

ORDINANCE NO. 2016-64

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR, ADDING A NEW DIVISION 26 ENTITLED "TRANSIT ORIENTED DEVELOPMENT DISTRICT", PROVIDING FOR A PURPOSE; PROVIDING FOR GOALS AND OBJECTIVES; CREATING THE HIALEAH TRANSFER STATION SUB-DISTRICT AND THE HIALEAH MARKET STATION SUB-DISTRICT; PROVIDING FOR IMPLEMENTATION CONCEPTS; PROVIDING FOR PERMITTED USES; ESTABLISHING DEVELOPMENT STANDARDS; ESTABLISHING BUILDING USES, DESIGN CONCEPT REQUIREMENTS, HEIGHT AND DENSITY INCENTIVES AND BONUSES; CREATING A PARKING IMPROVEMENT TRUST FUND; AND FURTHER PROVIDING FOR AN ORDER OF PRECEDENCE AND REFERENCE TO THE MASTER PLAN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the TOD Transit Oriented Development District intends to promote and enhance livability and mobility by increasing residential options, enhancing the street experience for all modes of transportation, creating open spaces and promoting the establishment of businesses oriented to commuters and residents within the Tri-Rail Station area;

WHEREAS, the general purpose and intent of this ordinance is to promote zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and proper administration of its government;

WHEREAS, this ordinance intends to establish zoning district regulations for the TOD Transit Oriented Development District providing for a more compact, pedestrian friendly, mixed-use development with appropriate urban design and architectural guidelines for the development of those properties that are located within half-mile of Tri-Rail stations in the city with a transit oriented development district land use designation and transit oriented development district zoning classification;

WHREAS, the Planning and Zoning Board at its meeting of September 29, 2016, 2016 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: Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended to read as follows:

Chapter 98

ZONING

* * *

ARTICLE V. ZONING DISTRICT REGULATIONS

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**DIVISION 26. - TOD TRANSIT ORIENTED
DEVELOPMENT DISTRICT**

Sec. 98-1536. -Purpose.

The purpose of the TOD transit oriented development district is to provide regulations to promote compact, pedestrian friendly, mixed-use development with appropriate urban design and architectural guidelines within walking distance of high capacity rapid transit stations. These regulations are intended to enhance livability and mobility by increasing residential options, enhancing the street experience for all modes of transportation, creating public open spaces and promoting the establishment of businesses oriented to commuters and residents. The criteria and incentives provided herein only apply to properties located within a half-mile of Tri-Rail stations in the City that have transit oriented development district land use designation and transit oriented development district zoning classification.

Sec. 98-1537. -Precedence over other land uses and zoning regulations.

To the extent that any conflict or difference may arise between the criteria of this district and the criteria of the C-1, C-2 and C-3 commercial zoning districts, the M-1 industrial zoning district, and multiple family residential zoning districts, the requirements of the TOD transit oriented development district shall prevail. The TOD transit oriented development district regulations take precedence only if the property owner develops the property according to the expanded uses that are available in the TOD transit oriented development district. This section does not prevent a property owner from developing its property according to the current zoning regulations of the underlying zoning district designation for the property if no expanded uses or allowances are proposed.

Sec. 98-1538. - Goals and Objectives.

The overall goal and objective of the TOD transit oriented development district is to foster quality developments that would make the areas around mass transit stations more vibrant and sustainable places for people to live, work, play and commute while ensuring that users have attractive, comfortable, safe and direct access to the mass transit stations. The transit stations shall be the prominent feature of the district surrounded by active public spaces and shall serve as the catalyst for major redevelopment. Specific goals and objectives include, but are not limited to, the following:

- (a) Implement complete streets by establishing setback requirements that would allow for right of way re-configurations that include wider sidewalks, landscape buffers, bike lanes and parallel parking in addition to vehicular traffic lanes.

- (b) Promote compact vertical and horizontal mix of uses including residential and compatible commercial uses embedded in the district.

- (c) Encourage a variety of housing types and sizes and increase density to incentivize development.
- (d) Reduce parking requirements and encourage shared parking, riding and driving alternatives to diminish car dependency while promoting pedestrian connections and sustainable vehicular usage.

Sec 98-1539. – Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Active Use means an enclosed building use designed for human occupation with a direct view to adjacent streets or public open space.

Active Use Ground Floor means an active use that attracts pedestrian activity; provides access to the general public with frequent doors and windows; and conceals uses designed for parking and other non-active uses if present. Ground floor active uses generally include, but are not limited to, retail, commercial services, restaurants, coffee shops, libraries, institution, educational and cultural facilities, residential, and entrance lobbies.

Auto and vehicle boutique means a compact establishment that sells new automobiles or motor cycles from within an enclosed building that does not involve outdoor display or storage or service stations.

Build-To-Line means an alignment established at a certain distance from the base building line to a line along which a building shall be constructed.

Co-retail space means an eclectic mix of retail spaces coming together in a communal environment that fosters creativity and commerce.

Co-working space means an office community that provides creative office space for a variety of users.

Complete Streets mean streets designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.

Gastro-pub means a bar that sells quality food to complement alcoholic beverages.

Live/work unit means a structure or space that combines a retail, office, light industrial, or service oriented use with a residential living space for the owner. A live/work unit shall be in compliance with minimum housing standards and applicable building and life-safety regulations. Living space cannot be occupied or rented separately from the workspace.

Mixed-use building describes a building with more than one use and must include a combination of residential, retail, office and/or live-work use. Specifically excluded from the definition of mixed-use building is a building of only residential and/or live work uses.

Manufacturing – Enabled Retail means a partially repurposed industrial structure that incorporates a retail (outlet) component on the ground floor of the building consistent with the light industrial use in the remainder of the building. Manufacturing – Enabled retail is limited to the first story of a principal building and has a maximum area of 20,000 square feet per establishment.

Streetscape means the entire system of the streets, sidewalks, landscaping, street furniture and open spaces that combine to form the street's character.

Sec 98-1540. - Geographic area.

The TOD transit oriented development district includes two sub-districts: the Hialeah Transfer Station Sub-Ddistrict and the Hialeah Market Station Sub-Ddistrict.

Sec.98-1541. - Hialeah Transfer Station Sub District.

The Hialeah Transfer Station Sub District is comprised of properties located in the proximity of the Hialeah Tri-

Rail/Metrorail Transfer Station generally located on the east side of East 11th Avenue between East 25th Street and East 27th Street, having the south side of East 33rd Street as its northern boundary, the north side of East 17th Street as its southern boundary, the east side East 8th Avenue as its western boundary and the west side of NW 37th Street as its eastern boundary. The Hialeah Transfer Station Sub District regulations only apply to the properties identified for redevelopment in the Hialeah Transfer Station Master Plan whose land use classification has been amended to Transit Oriented Development District and consistently re-zoned.

Sec 98-1542. - Hialeah Transfer Station Sub District Implementation Concepts.

The implementation concepts of the Hialeah Transfer Station Sub District shall be as follows:

- (a) *Transformation.* Elicit the transformation of an industrial district into a diverse, mixed-use, residential neighborhood supported by an existing station with regional and inner city rails.
- (b) *Activation.* Activation of the sub district by increasing residential options, promoting mixed uses, creating new open spaces, balancing density and height, preserving the industrial character and promoting a 24-hour environment where people live, work and play.
- (c) *Uses.* Uses in the sub district shall be oriented to the revitalization of the area, help the transition from industrial uses to alternative commercial and residential uses, provide services to residents and commuters, enliven the district and contribute to making the area a regional destination.
- (d) *Development bonuses.* A program of bonus development rights including waiver of certain parking requirements in exchange for developer's contributions to specified programs that provide benefits to the public within the Hialeah Transfer Station shall be established.
- (e) *Improvement program.* A sub district improvement program shall be established for the purpose of funding the planning and implementation of the district's design

guidelines, review standards, enforcement and activation of the district.

- (f) *Adoption by reference.* The city hereby adopts by reference the Hialeah Transfer Station report and recommendations including the regulating plan and streets masterplan as amended from time to time.

Sec 98-1543. - Permitted Uses.

- (a) The following uses shall be permitted in the Hialeah Transfer Station Sub District for the adaptive reuse of industrial buildings, subject to applicable zoning regulations:

- (1) *Co-retail space*, shall include apparel, eyewear, bookstore including stationery video and records, arts and crafts, jewelry excluding pawn, car and motor cycle boutique, furniture boutique, gastronomy- including specialty food retail, bakery, café, ice cream store and restaurant. Outdoor retail sales and display and outdoor dining including food carts and trucks are allowed subject to the approval of an administrative use permit.

- (2) *Manufacturing enabled – retail*, shall include apparel boutique, eyewear boutique, stationery store, arts and crafts store, furniture boutique, gastronomy-including specialty food retail, bakery, café, ice cream store, restaurant and brewery. Outdoor retail sales and display and outdoor dining including food carts and trucks are allowed subject to the approval of an administrative use permit.

- (3) *Live/Work Units* are allowed subject to the approval of a Conditional Use Permit

- (b) The following uses shall be permitted in the Hialeah Transfer Station Sub District for new buildings, subject to applicable zoning regulations:

- (1) *Permitted retail businesses*, shall include apparel, auto, bicycle and vehicle boutique, bakery, eyewear boutique, café, cigar store, gastro-pub, grocery store, restaurant.
 - (2) *Permitted service businesses*, shall include car share, bike share, bank, barber shop, beauty salon, dry cleaning reception, gym, offices, for business and professional services (not allowed on ground floor).
 - (3) *Mixed commercial and residential uses*, shall include permitted retail trade, permitted service businesses, and live/work units.
 - (4) *Parking structures*, including first floor commercial space.
 - (5) *Parks and recreational/cultural facilities*.
- (c) Other uses, not explicitly included in this Section 98-1543, may be allowed subject to the approval of a Conditional Use Permit.

Sec 98-1544. - Development Standards.

(a) *Rezoning*. The rezoning to this classification shall include the review of the conceptual building design by a Design Review Committee that shall approve the proposal prior to the rezoning hearing scheduling.

(b) *Building Disposition*.

- (1) *Lot coverage*. Maximum lot coverage for low-rise buildings is 60%. Lot coverage for mid-rise or high-rise buildings shall not exceed 80% of net lot area. Additional lot coverage for mid-rise and high-rise buildings may be obtained up to 90% subject to the Flexible Lot Coverage Program by waiver.

(2) *Flexible Lot Coverage Program.*

- i. A development project may provide a roof terrace in an amount equivalent to four times the gross lot area obtained from increased lot coverage or 20% of the building roof surface area, whichever amount is greater.
- ii. Open space may be provided off site, at an amount equal to the square footage from increased lot coverage. The open space may be provided as a developed public open space.

(3) *Setbacks.* Front setbacks for buildings are based on their location in the district and shall follow the requirements of the street masterplan as follows:

- i. East 11th Avenue: 0 feet built to line.
- ii. East 25th Street: 20 feet built to line.
- iii. East 23rd Street through East 33rd Street except East 25th Street: 17 feet built to line.
- iv. There is no required side and rear setback.

(c) *Building configuration.*

- (1) *Ground Floor Requirement.* The first floor of all buildings fronting East 25th Street and East 11th Avenue, shall have a minimum ground floor height of 15 feet and a maximum height of 20 feet.
- (2) *Building Height.* Building height shall be measured in stories. The minimum and maximum height of a building is determined through the masterplan designation of the site as high-rise, medium rise or low rise. High rise minimum height is 2 stories and high rise maximum height is 6 stories; medium rise

minimum height is 2 stories and medium rise maximum height is 4 stories; low rise minimum height is 1 story and low rise maximum height is 3 stories. Additional stories may be obtained subject to Bonus Height Program.

- (3) *Step-backs.* Buildings fronting East 11th Avenue have a step-back requirement of 10 feet for all construction above the ground floor.

- (d) *Bonus height program.* Bonus height rights of up to two stories for medium rise and high rise buildings may be obtained in exchange for the developer's contributions for specified purposes as identified in the masterplan and that provide benefits to the public within the Hialeah Transfer Station Sub District. The proposed exchange shall be reviewed by the Design Review committee that shall approve the proposal prior to the rezoning hearing scheduling.

- (e) *Public parks, open space and civic space or civic support space dedication and/or development.* A development project within the Hialeah Transfer Station Sub District boundaries may provide any of the following or combination hereof:
 - (1) On-site: Public open space in addition to the required open space may be provided on-site in a location that is meaningful to the district configuration. The open space may include but not be limited to a courtyard, plaza, widened sidewalk or pedestrian passage.
 - (2) Off-site: Dedication of land within the Hialeah Transfer Station Sub District.
 - (3) Complete redevelopment of a public space such as an abandoned or dead end right-of way or vacant land developed into a public open space, civic space or civic support space.
 - (4) Incorporation of significant art work incorporated into the building in a fashion that visually benefits the district's attractiveness.

- (f) *Building function and density.*

- (1) *Building Function.* All high-rise and mid-rise buildings in the Hialeah Transfer Station Sub district shall have active fronts towards all frontages facing a street and include functions such as entrance lobbies and clear storefronts for at least 80% of the façade. When the configuration and function of the property makes this requisite partially unfeasible, artistic treatment of the façade may partially substitute the requirement subject to approval of the Design Review Committee.
- (2) *Density.* Low-rise building minimum density is 25 units per gross acre and maximum density is 36 units per gross acre. Mid-rise and high-rise building minimum density is 25 units per gross acre and maximum density is 125 units per gross acre.
- (3) When property within the TOD District area containing ten or more contiguous acres is under the ownership or control of a single entity, the allowable density within the project may be allocated to individual building sites unconstrained by the density for any individual site so long as the density distribution does not result in development that exceeds development parameters allowed under the land development regulations. Such density allocation shall be approved by the City Council at the time of rezoning of the property or through a variance application.

Sec 98-1545. - Parking Standards.

The parking standards in this subsection shall only be available for a period of five years. Prior to the end of the 5 years the Planning & Zoning Official shall review the parking standards based on a district-wide parking and transportation study.

(a) *Residential Units requirement.*

- (1) Dwelling unit up to one bedroom:

- i. A minimum of 1 parking space per unit shall be provided on-site or off-site within a parking structure or provide payment –in-lieu of one space per unit of required parking into the Parking Improvement Trust Fund.
- ii. Limited to a maximum of 70% of the units within a development.

(2) Dwelling unit with more than one bedroom: A minimum of 1.5 parking space per unit shall be provided on-site or off-site within a parking structure; or provide 1 space per unit on-site or off-site within a parking structure and provide payment-in-lieu of remaining 0.5 space per unit of required parking into the Parking Improvement Trust Fund.

(3) Work-Live Parking Requirements.

- i. A minimum of 1 parking space per unit shall be provided on-site or off-site within a parking structure.
- ii. A minimum of 1 additional parking space for every 10 work-live units shall be provided on-site or off-site within a parking structure.

(b) *Commercial parking requirements.*

- (1) Minimum of 3 parking spaces for each 1,000 square feet of commercial use shall be provided on-site or off-site within a parking structure.
- (2) Provide 2 parking spaces for each 1,000 square feet of commercial use on-site or off-site within a parking structure and provide payment in-lieu of remaining required 1 space into the Parking Improvement Trust Fund.

(c) *Parking provided off-site.* Parking requirements may be satisfied off-site within a parking structure that shall be located within 1,000 feet of the proposed development site. Applicants

requesting parking off-site within a parking structure shall provide a parking covenant.

- (d) *Payment in lieu.* Payment in lieu shall be deposited into the Parking Improvement Trust Fund.

Sec 98-1546. - Parking Improvement Trust Fund.

A Parking Improvement Trust Fund shall be established for the purpose of subsidizing the acquisition, construction and operation of parking facilities, marketing transit and parking facilities, funding right of way improvements related to parking and transit, and associated administrative expenses that would allow the mitigation of the reduced of parking requirements.

- (a) *Parking Improvement Trust Fund.* The Parking Improvement Trust Fund shall be maintained and administered by the Streets Department. Funds shall be deposited into the Parking Improvement Trust Fund, and subsequently used to facilitate

parking purposes within the area including, but not limited to, public off-street parking, infrastructure improvements and maintenance and marketing to serve the Hialeah Transfer Station Sub District through means that may include but are not limited to the following activities:

- (1) Acquire fee simple or other interest in land, and other real property for parking purposes;
- (2) Construct, maintain, operate, lease, manage, or otherwise provide off-street parking for public use;
- (3) Provide public information to enhance parking utilization including publicity campaigns, graphic and signage, and other informational devices;
- (4) Coordinate plans for parking facility improvements or expansion in conjunction with public transportation plans and operations in the vicinity, particularly, but not limited to the joint facilities that might be operated with Tri-Rail, Metrorail and any feeder services;

- (5) Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service or related physical improvements such as bus shelters and right-of-way modifications;
 - (6) Improve the first and last mile connectivity by expanding City bus routes, building bike lanes and incorporating landscaping and other features into the rights-of-way to provide adequate buffers that improve safety for all means of transportation in consistency with the City's complete streets policy, as adopted;
 - (7) Perform such other related activities as may be appropriate to carry out the intent of this article, but not limited to, infrastructure improvements in the public right-of-way, contributing to maintenance of the public sidewalks within the district as well as marketing.
- (b) *Schedule of Fees and Charges.* The schedule of fees and charges to be assessed and paid into the trust is as follows:
- (1) The fee in lieu of providing the required number of off-street parking spaces shall be calculated by adding the land cost of 315 square feet of land in the TOD transit oriented development district, which is the average area of a single parking space including access lane, and the average cost of construction of a single surface parking space. The resulting number shall be the fee in lieu per each parking space waiver and fraction thereof. The payment in lieu shall be made at the time of application for a certificate of waiver.

Sec 98-1547. - Loading Standards.

- (a) Office/Commercial and Residential Loading.
 - (1) On-street loading areas intended to service commercial and residential uses along the Hialeah Transfer Station Sub District shall be permitted within specifically designated zones. Loading within such designated zones shall not exceed 20 minutes.

- (2) Off-street office/commercial and residential loading space shall be required for projects with an area greater than 50,000 square feet.

Sec 98-1548. - Architectural Standards.

To achieve a transit-oriented district and its character, architectural elements as provided in this section shall be required. New development within the district shall, to the greatest extent practicable, utilize the following architectural elements illustrated herein:

- (a) *Materials.* For small scale retail building facades and large, uninterrupted volumes of retail in the district, at least three different materials shall be used in each building elevation in addition to some surface relief. Creative and innovative high quality building materials are encouraged. This includes metals, perforated materials, glass, and architectural concrete. Reflective glass as a complete surface is discouraged. Faux treatments in lieu of the intended material are discouraged.
- (b) *Fenestration.* Street level building facades shall be pierced by single and double height windows or general access entrance or doorways to encourage browsing and window shopping. For the first ten (10) feet of height above the public sidewalk elevation, the exterior building wall shall contain windows and/or doorways of transparent glass covering at least fifty (50) percent of the linear frontage of the building (to be measured at least thirty inches above the sidewalk). Additionally, the base of all transparent openings shall be no more than thirty (30) inches above the sidewalk. The individual panes may be composed of smaller vertical elements. To reduce visual barriers between interior and exterior spaces street level windows shall be transparent with no reflectivity. Similarly, storefront and display windows shall not be filled in or blocked in any way. Street level restaurants are encouraged to use operable windows and doors which can allow them to open out onto the sidewalks in good weather.

- (c) *Scaling Elements.* Large, blank surfaces and non-modular panels, such as concrete panels and stucco, are discouraged unless they have a compelling design purpose. This is especially true at the ground floor level which requires additional detail and visual amenities. Repeating elements, such as pilasters, vertical reveals, and other three dimensional details shall be strongest at the street level. They may include repetition of storefront details or consistent sign design. For large commercial buildings in the district, at least one architectural element shall be repeated to minimize the facade's scale. This could be a material module change, a change in facade plane of at least 6", use of an architectural ornament, recessed glazing, vertical banding, and/or groupings of windows. Avoid repetitive scaling elements that are monotonous and oppressive. For example, grids of repeated windows are discouraged. Facades on primary pedestrian streets shall be divided into three horizontal segments: a base, middle and top. When required setbacks do not differentiate these segments, architectural elements shall be used such as horizontal elements on the ground floor.
- (d) *Building Continuity.* All sides of a structure shall be continuous in design. No side shall be unimproved. Therefore, all architectural details, such as roof lines and parapets shall continue around all sides of a structure. Similarly, false architectural features and structures are discouraged unless they are integral to the building's design. On facades enclosing non-active uses, architectural treatment shall be provided.
- (e) *Planar Breaks.* For building frontages greater than 150', no façade shall exceed 60% of the building frontage without providing a planar break or multiple planar breaks a minimum of 3' in depth. The cumulative horizontal length of all planar breaks shall be greater than or equal to 20% of the building frontage.
- (f) *Shadows.* Changes in plane around windows and entrances are encouraged to highlight building openings and access points for pedestrians.

- (g) *Awnings or Canopies.* Awnings or canopies shall be used to enhance building facades and storefronts with color and dimension and to provide shade for browsing and cafe seating. Different awnings shall be used for various storefronts to avoid a homogeneous appearance including free or fixed valances, open or closed sided, and open-sided with a valance drop. Creative uses of materials are encouraged. Awnings shall be generally consistent in height and depth to create consistent shade coverage.
- (h) *Entrances.* Entries shall be articulated with different building materials, changes in building massing, or changes in the roof line that break the facade's regulated surface. This creates a facade hierarchy that articulates entrances. Similarly, entrances shall be setback from the primary building frontage at least 6". Enhanced lighting and signage shall also be incorporated in entry designs. Corner entrances shall be designed to address street corners. This may include additional building mass, distinctive architectural elements, different building materials, changes in building planes, and changes in building shape. Large banks of glass doors at main entrances shall be used to interrupt blank expanses of building facades.
- (i) *Storefronts.* Storefront windows shall be at least 10' high and shall be similar in proportion to display windows. Window sills shall be close to the building base, proportional to pedestrians. The storefront frame shall be setback from the building facade between 6" and 12" to create depth and shadow. Entrances shall be recessed in storefronts or highlighted within the storefront. Window displays shall be simple and focused and shall not obstruct views into the store.
- (j) *Shutters.* Impact glass in lieu of hurricane shutters is recommended for ground floor uses. If shutters are used, they should be concealed from public view. Opaque security shutters will not be permitted in this district. Rather, transparent, security grills shall be utilized to maintain transparency when stores are closed. This will enable window shopping and activate the street during non-business hours.

- (k) *Architectural Lighting.* Light buildings at night to create shadows and depth and highlight important architectural elements and building materials such as colored glass and perforated metal. Whenever possible, light second story windows to imply human presence and counter the appearance of desertion. Use decorative lighting to illuminate signs and up lighting to illuminate landscaping. Glare shields should be used to reduce light spillover into pedestrian and vehicular areas. Use sconces and other architectural lighting to illuminate building entrances with warm light.
- (l) *Storefront Lighting.* Illuminate signs, entrances, window displays and interiors at varying levels of brightness.
- (m) *Building Tops.* Residential towers shall have distinctive building tops or finials whenever possible.
- (n) *Parking Garage Roof.* Uncovered parking garage roofs shall be concealed with creative, colored surfaces and landscaping.
- (o) *Roof Tops.* All roof top equipment must be concealed. Green roofs or roof tops planted with heat tolerant, low maintenance cultivated plant life are strongly encouraged. Recreational uses are encouraged on roof tops.
- (p) *Surface parking lots.* Surface parking lots shall be paved with brick pavers or stamped asphalt. Use of plain asphalt is limited to parking areas that are not readily visible from street view. Vehicular approaches should be paved with stamped asphalt or concrete, brick pavers or similar material in a color different from gray or black.
- (q) *Integration of signage, lighting and artwork.* Signs, graphics and lighting for the building should be conceived as an integral part of the architectural design of the building.

- (r) *Screening of mechanical units and service areas.* All mechanical units shall be screened from public view, preferably with cohesive design elements such as roof forms that complement with overall design. When roof decks with mechanical units are visible from adjacent developments, such roof decks should be screened and painted to match the finish of the roof material. Service areas shall be substantially screened from view from the street. Chain link or wood fences and/or gates are prohibited. Commercial loading areas, recycling areas, and trash and garbage containers shall be located away from residential units.

- (s) *Underground utilities.* All new and existing utilities including, but not limited to utilities required for electric power, distribution, telephone, communication, street lighting and television service shall be installed underground, including existing utilities on the rights-of-way adjacent to the development.

Sec 98-1549. – Streetscape and Landscape Standards.

Within 6 months of the adoption of this ordinance the City shall adopt streetscape and landscape design standards to help unify the image of the Hialeah Transfer Station Sub District. The guidelines shall address the coordination of elements of paving, street trees, lighting, street furniture and other related features, and address design and construction of streetscape improvements within public right-of-way and in adjacent public and private outdoor spaces.

Sec. 98-1550. - Hialeah Market Station Sub District.

The Hialeah Market Station Sub District is comprised of properties located in the proximity of the Hialeah Market Station generally located on the east side of SE 10th Court between SE 14th Street and SE 11th Street, having the south side of SE 5th Street as its northern boundary, the north side of the SR112 ramp as its southern boundary, the east side of SE 9th Court as its western boundary and the CSX railroad tracks as its eastern boundary. The Hialeah Market Station Sub District regulations only apply to the properties identified for redevelopment in the Hialeah Market

Station Master Plan whose land use classification has been amended to Transit Oriented Development District and consistently re-zoned.

Sec 98-1551. - Hialeah Market Station Sub District Implementation Concepts.

The implementation concepts of the Hialeah Market Station Sub District shall be as follows:

- (a) *Transformation.* Elicit the transformation of an industrial district into a diverse, mixed-use, residential neighborhood supported by an existing station with regional and inner city rails.
- (b) *Improvement.* The existing Market Station, adjacent historical building and market building shall be improved and completed with adequate public open spaces and streetscape to reinforce the station as a gateway to transit accessible by all means of transportation.
- (c) *Connectivity.* Extend the street grid by creating a greenway along the west side of the CSX railroad tracks to accommodate pedestrians, bikes and vehicles to ease the first and last mile connectivity north of the station.
- (d) *Activation.* Activation of the sub district by increasing residential options, promoting mixed uses, creating new open spaces, balancing density and height, preserving the industrial character and promoting a 24-hour environment where people live, work and play.
- (e) *Scale.* Scale the district to accommodate residential and mixed residential/commercial buildings in a pedestrian friendly proportion.
- (f) *Uses.* Uses in the sub district shall be oriented to the revitalization of the area, help the transition from industrial uses to alternative commercial and residential uses, provide services to residents and commuters, enliven the district and contribute to making the area a regional destination.

- (g) *Development bonuses.* A program of bonus development rights including waiver of certain parking requirements in exchange for developer's contributions to specified programs that provide benefits to the public within the Hialeah Market Station shall be established.
- (h) *Improvement program.* A sub district improvement program shall be established for the purpose of funding the planning and implementation of the district's design guidelines, review standards, enforcement and activation of the district.
- (i) *Adoption by reference.* The city hereby adopts by reference the Hialeah Market Station report and recommendations including the regulating plan and streets masterplan as amended from time to time.

Sec 98-1552. - Permitted Uses.

In the Hialeah Market Station Sub District, the permitted uses shall be the same as in the Hialeah Transfer Station sub district.

Sec 98-1553. - Development Standards.

- (a) *Rezoning.* The rezoning to this classification shall include the review of the conceptual building design by a Design Review committee that shall approve the proposal prior to the rezoning hearing scheduling.
- (b) *Streets network continuity.* Redevelopment of properties within large blocks shall be broken into smaller blocks with dimension no larger than 600 feet by 300 feet separated by new streets connected to the existing street grid.
- (c) *Greenway.* Proposed developments fronting the CSX railroad tracks north of SE 10th Street shall accommodate the greenway pursuant to Sec.98-1551(c).
- (d) *Building Disposition.*

(1) *Lot coverage.* Maximum lot coverage for low-rise buildings is 60%. Lot coverage for mid-rise or high-rise buildings shall not exceed 80% of net lot area. Additional lot coverage for mid-rise and high-rise buildings may be obtained up to 90% subject to the Flexible Lot Coverage Program by waiver.

(2) *Flexible Lot Coverage Program.*

- i. A development project may provide a roof terrace in an amount equivalent to four times the gross lot area obtained from increased lot coverage or 20% of the building roof surface area, whichever amount is greater.
- ii. Open space may be provided off site, at an amount equal to the square footage from increased lot coverage. The open space may be provided as a developed public open space. Building frontages adjacent to open spaces shall reinforce the pedestrian character and activity of the street.
- iii. The open space requirement for proposed individual developments that stem from a large property subdivided to comply with the block size requirement may be consolidated into one centralized open space for the entire district

(3) *Setbacks.* Front setbacks for buildings are based on their location in the district and shall follow the requirements of the street masterplan as follows:

- i. SE 8th Street and SE 10th Avenue: 20 feet built to line.
- ii. SE 12th Street: 35 feet built to line and 20 feet in accordance to the Market Station masterplan.

- iii. SE 9th CT and SE 10th CT: 10 feet built to line.
- iv. SE 11th CT north of SE 10th Street: 100 feet built to line.
- v.

In order to provide greater integration of public and private improvements and infrastructure, enable connectivity, and encourage a variety of uses and streetscape design, the single or multiple owner(s) of abutting properties in excess of 10 acres of land may submit a unified master plan that varies from the required built to lines and setback requirements for a recommendation for approval by the Development Review Committee before the Planning and Zoning and City Council rezoning hearings.

(e) *Building configuration.*

- (1) *Ground Floor Requirement.* The first floor of all buildings fronting SE 12th Street, SE 10th Court and SE 11th Street shall have a minimum ground floor height of 15 feet and a maximum height of 20 feet. Same requirement applies to all new mixed use buildings that include commercial or live/work ground floors.
- (2) *Building Height.* Building height shall be measured in stories. The minimum and maximum height of a building is determined through the masterplan designation of the site as high-rise, medium rise or low rise. High rise minimum height is 4 stories and high rise maximum height is 9 stories; medium rise minimum height is 3 stories and medium rise maximum height is 5 stories; low rise minimum height is 2 stories and low rise maximum height is 4 stories. Additional stories may be obtained subject to Bonus Height Program.

- (3) *Step-backs.* Buildings fronting SE 10th Avenue have a step-back requirement of 10 feet for all construction above the sixth floor.

- (f) *Bonus height program.* Bonus height rights of up to three stories for medium rise and high rise buildings and six stories for high rise buildings fronting the CSX Railroad right of way to SE 9th Terrace SE 11th Court north of SE 10th Street may be obtained in exchange for the developer's contributions for specified purposes as identified in the masterplan and that provide benefits to the public within the Hialeah Market Station Sub District. The proposed exchange shall be reviewed by the Design Review committee that shall approve the proposal prior to the rezoning hearing scheduling.

- (g) *Public parks, open space and civic space or civic support space dedication and/or development.* A development project within the Hialeah Market Station sub district boundaries may provide any of the following or combination hereof:
 - (1) On-site: Public open space in addition to the required open space may be provided on-site in a location that is meaningful to the district configuration. The open space may include but not be limited to a courtyard, greenway, plaza, widened sidewalk or pedestrian passage.
 - (2) Off-site: Dedication of land within the Hialeah Market Station sub district.
 - (3) Complete redevelopment of a public space such as an abandoned or dead end right-of way or vacant land developed into a public open space, civic space or civic support space.
 - (4) Incorporation of significant art work incorporated into the building in a fashion that visually benefits the district's attractiveness.

- (h) *Building function and density.*

- (1) *Building Function.* All high-rise and mid-rise buildings in the Hialeah Market Station Sub District shall have active fronts towards all frontages facing a street and include functions such as entrance lobbies and clear storefronts for at least 80% of the façade. When the configuration and function of the property makes this requisite partially unfeasible, artistic treatment of the façade may partially substitute the requirement subject to approval of the Design Review Committee.
- (2) *Density.* Low-rise building minimum density is 25 units per gross acre and maximum density is 36 units per gross acre. Mid-rise and high-rise building minimum density is 25 units per gross acre and maximum density is 125 units per gross acre.
- (3) When property within the TOD District area containing ten or more contiguous acres is under the ownership or control of a single entity, the allowable density within the project may be allocated to individual building sites unconstrained by the density for any individual site so long as the density distribution does not result in development that exceeds development parameters allowed under the land development regulations. Such density allocation shall be approved by the City Council at the time of rezoning of the property or through a variance application.

Sec 98-1554. - Parking Standards.

In the Hialeah Market Station Sub District, the parking standards shall be the same as in the Hialeah Transfer Station sub district.

Sec 98-1555. - Parking Improvement Trust Fund.

In the Hialeah Market Station Sub District, the Parking Improvement Trust Fund requirements and regulations shall be the same as in the Hialeah Transfer Station sub district.

Sec 98-1556. - Loading Standards.

In the Hialeah Market Station Sub District, the loading standards shall be the same as in the Hialeah Transfer Station sub district.

Sec 98-1557. - Architectural Standards.

In the Hialeah Market Station Sub District, the architectural standards shall be the same as in the Hialeah Transfer Station sub district.

Sec 98-1558. – Streetscape and Landscape Standards.

Within 6 months of the adoption of this ordinance the City shall adopt streetscape and landscape design standards to help unify the image of the Hialeah Market Station Sub District. The guidelines shall address the coordination of elements of paving, street trees, lighting, street furniture and other related features, and address design and construction of streetscape improvements within public right-of-way and in adjacent public and private outdoor spaces.

* * *

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 convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished 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: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

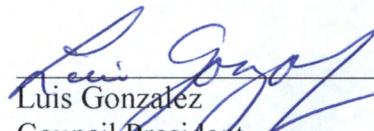
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 6: Effective Date.

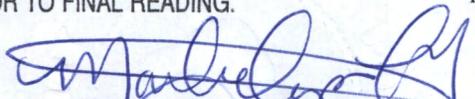
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

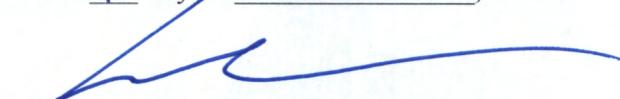
PASSED and ADOPTED this 25 day of October, 2016.

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

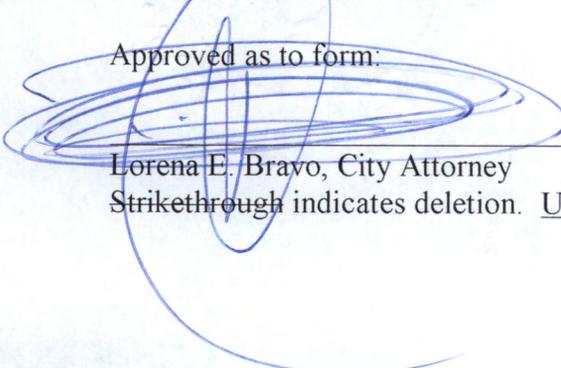

Luis Gonzalez
Council President

Approved on this 7 day of November, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

Strikethrough indicates deletion. Underline indicates addition.

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