

ORDINANCE NO. 2016-72

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 29. HIALEAH HEIGHTS, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, BY ADDING A NEW SECTION, § 98-1607.2 ENTITLED "CDH COMMERCIAL DEVELOPMENT DISTRICT"; PROVIDING A PURPOSE; THE GEOGRAPHIC AREA; SITE AND DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of October 26, 2016 recommended approval of this ordinance;

WHEREAS, the Hialeah Heights CDH Commercial Development District's purpose shall promote a vehicular and pedestrian friendly designed environment for common big box; boutique retail, restaurants, entertainment complexes, convenience services, and offices;

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 this zoning district by adopting by reference the Hialeah Heights Commercial Development District Masterplan;

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

Section 1: Chapter 98 entitled "Zoning" 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

* * *

DIVISION 29. HIALEAH HEIGHTS CDH COMMERCIAL DEVELOPMENT DISTRICT

* * *

Sec. 98-1607.2.-Hialeah Heights CDH Commercial Development District.

(a) *Geographic area.* The City hereby designates the geographic area comprised of all land located in an area bounded on the west by NW 102nd Ave, on the north by NW 142nd Street, on the east by NW 97th Avenue and on the south by NW 138th Street, as the Hialeah Heights CDH Commercial Development District.

(b) *Purpose.* The purpose of the Hialeah Heights CDH Commercial Development District is to provide regulations to promote a commercial district conceived as a designed environment where generic big-boxes, boutique retail, restaurants, entertainment complexes, convenience services, outparcels and offices are configured not only to accommodate vehicular circulation but also to provide an enhanced pedestrian experience.

(c) The overall goal and objective of the district regulations is to organize the area with an underlying pattern that absorbs new growth over time and evolves as and into a Town Center or mixed use district.

(d) *Site development.* The City hereby adopts by reference the Hialeah Heights Commercial Development District Masterplan report and recommendations, as amended from time to time.

(1) Specific site development layout shall include, but is not limited to the following:

- a. Organized parking within blocks connected by a network of streets with room for infrastructure to allow for future infill development;
 - b. Pedestrian-friendly loop of continuous shaded sidewalks to connect the different retail clusters;
 - c. Retail activity on the site oriented to face sidewalks to include parallel parking along streets in front of retail activity;
 - d. Connected parking lots of adjoining out parcel businesses.
- (e) *Development standards.*
- (1) Signs, graphics, lighting and street furniture shall be conceived as an integral part of the architectural design of the entire development including infrastructure, such as driveways and walkways, detached buildings or principal structures. Standards shall be established and incorporated into a pattern book that shall be approved during the site plan review phase.
 - (2) *Fences and gates.* Chain-link, stockades, board-on-board, dura-fence and similar fence styles are prohibited.
 - (3) *Loading and service areas.* Loading areas, recycling areas, service areas and trash and garbage containers shall be located in the interior of blocks and screened to minimize negative visual impacts. Trash containers and dumpsters shall neither be allowed to front the street or be at close proximity to the street. Trash containers and dumpsters shall not be permitted in front setback areas.
 - (4) *Development access.* The main entrances to the development shall be defined by free standing gateways or by buildings erected closer to the sidewalks on both sides of the right of way.
 - (5) *Pedestrian access required.* A continuous network of sidewalk with a minimum width of 8 feet along the building frontages and connecting the different commercial clusters shall be provided. These sidewalks

shall be flanked by parallel or angle parking, buffered with a landscaped strip along the side adjacent to the parking and shaded by means of streets or loggias. Curb cuts shall be minimized to encourage pedestrian connectivity. Commercial buildings fronting NW 97th Avenue shall contain an active retail frontage and direct pedestrian access from NW 9th Avenue.

- (6) *Surface Parking.* Surface parking shall be arranged in blocks connected by a network of driveways to facilitate future infill development as conceptually configured in the adopted Masterplan.
- (7) *Screening of mechanical units and service areas.* All mechanical units and installations of any type shall be screened from public view, with cohesive design elements that complement building design. Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. 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.
- (8) *Stormwater Retention Area.* Stormwater retention areas shall be designed to create a feature within the development rather than a residual area. Examples of features are landscaped dry ponds utilized as termination vistas, dry ponds improved with wood trails, and ponds surrounded by walking paths.
- (9) *Underground utilities.* All new utilities including, but not limited to, utilities required for electric power distribution, telephone, communication, street lighting and television service shall be installed underground except when environmental or landfill site conditions prevent or impair such installation. Existing overhead utilities shall be replaced with underground utilities. The existing overhead electrical transmission lines that front NW 97 Avenue may remain in place.
- (10) *Maintenance covenant.* The property owner shall be responsible for the maintenance of the development and shall provide a declaration of restrictive covenants detailing the specific maintenance duties, including, but not limited to the general design and sign criteria. Such

declaration shall be in a form and content acceptable to the city and recorded in the county public records.

(f) *Permitted uses.* The permitted uses for land, buildings and other improvements are subject to the general conditions requiring that all storage of materials and products and all operations of work of every character are carried on entirely within the enclosing walls and under the roof of a building and/or enclosed by a decorative masonry wall when the work is of a nature to be performed outside of a building. The permitted uses of the district are as follows:

- (1) All uses within the B-1 Highly Restricted Retail District excluding uses permitted in subsection 98-926 (9) and (12).
- (2) All uses in the C-1 Restricted Retail Commercial District excluding uses permitted in subsection 98-1066(10).
- (3) All uses in the C-2 Liberal Retail Commercial District excluding uses permitted in subsection 98-1111 (2)(3)(5)(9)(12)(13) (20)(23 through 30) and (33).
- (4) All uses in the C-3 Extended Liberal Retail Commercial District excluding uses permitted in subsection 98-1156 (2)(4)(6) and (7).
- (5) Hypermarkets, supermarkets and home center stores.
- (6) Car and motorcycle boutiques.

(g) *Frontage.* For the purpose of this section all sides of a building that abut a driveway or thoroughfare are to be considered fronts. Although there is no minimum building frontage requirement, continuous frontages are encouraged for the purpose of adding pedestrian interest to the continuous sidewalk requirement as set forth in Sec. 98-1607.2(e)(5).

(h) *Building height limitations.* Building height shall be measured from the crown of the adjacent road to the cornice line or the top of the parapet. The maximum building height shall be 75 feet.

(i) *Setbacks.* Minimum front and side setbacks fronting a public right-of-way is 10 feet.

(j) *Elevations.*

- (1) The primary public entry to a building shall front a right-of-way and/or driveway and the architecture shall emphasize the front entrance. The building facades that front a right-of-way and/or driveway shall provide direct pedestrian access to the right-of-way. The city encourages facade design that will not produce a large expanse of blank or undifferentiated walls.
- (2) Architectural details and materials should be consistent throughout a building, from facade elevations, visible from the street, to the remainder of the building.
- (3) Placement of doors and windows shall be balanced and aligned horizontally and vertically.
- (4) Freestanding canvas-roofed carports and aluminum-roofed carports attached to a building are prohibited unless they are part of an approved development pattern book or design guidelines.
- (5) The size, height, materials and colors of awnings utilized on a building shall be consistent. Awnings covering upper story windows shall conform to the dimensions of individual windows and be proportional and complementary to the first floor awnings.
- (6) The city shall consider and approve, if acceptable, color of buildings during site plan review. The city encourages a diverse palette of compatible colors.

(k) *Landscape buffer requirement.* All fronts abutting a public right-of-way shall be improved with a landscape buffer of no less than 10 feet.

(l) *Common open space areas.* Plazas, plazoletas, loggias and/or squares are encouraged to be incorporated in the site plan.

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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.

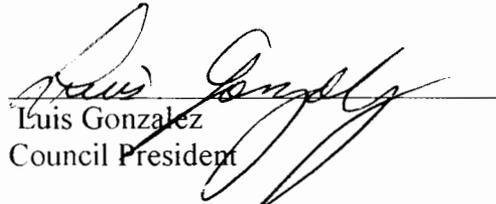
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

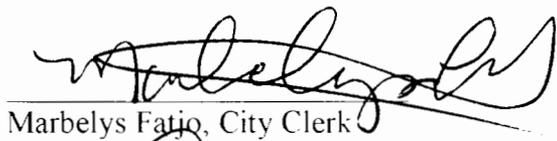
PASSED and ADOPTED this 22 day of November, 2016.

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

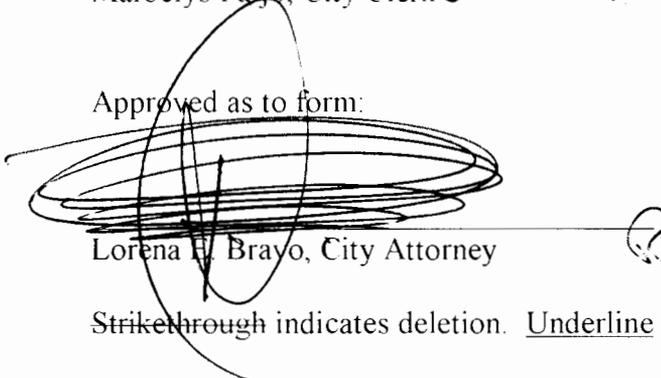
Attest:

Approved on this 6 day of December, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) vote with Councilmembers, Caragol, Gonzalez, Hernandez, Garcia-Martinez, Cue-Fuente and Casáls-Muñoz voting "Yes". Councilwoman Lozano absent.

Strikethrough indicates deletion. Underline indicates addition.