

**RESOLUTION NO. ~~2014-153~~**

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA IN SUPPORT OF ALL NECESSARY AMENDMENTS TO THE CITY OF HIALEAH COMPREHENSIVE PLAN AND ZONING CODE TO ALLOW FOR A TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT ("TOD") THAT WILL PROMOTE AND ENCOURAGE PEDESTRIANISM, MOBILITY AND TRANSIT RIDERSHIP THROUGH VERTICAL AND HORIZONTAL MIXED USE DEVELOPMENT OF AN AREA LIMITED TO WITHIN .8 MILES FROM THE HIALEAH MARKET STATION/TRI-RAIL STATION AS THE CONCEPT IS ADVANCED IN THE PROPOSED REGULATIONS ATTACHED AS "EXHIBIT 1"; AND AUTHORIZING THE MAYOR TO TAKE ALL NECESSARY STEPS TO STUDY THE FEASIBILITY OF CREATING A COMMUNITY REDEVELOPMENT AGENCY ("CRA"), INCLUDING CONDUCTING A FINDING OF NECESSITY STUDY AND CREATING A REDEVELOPMENT PLAN CONSISTENT AND HARMONIOUS WITH THE OBJECTIVES OF THE TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT.

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

**WHEREAS**, the TOD is proposed to be limited to the properties located within 0.8 miles from the Hialeah Market Station/Tri-Rail Station, bounded by NW 54 Street (Hialeah Drive) to the north, State Road 112 (Airport Expressway) to the south, SE 9 Court northward to SE 5th Street to the west, thereafter, SE 10th Avenue as its western boundary to NW 54 Street, and the CSX railroad tracks to the east;

**WHEREAS**, the TOD intends to provide for vertical and horizontal mixed use development consisting of residential, retail, office, light industrial and service-oriented to promote and encourage pedestrian walkability, mobility and transit ridership within the Hialeah Market Station/Tri-Rail Station area;

**WHEREAS**, the TOD is intended to permit a mix of uses within one development with a proportionate use mix as required in the underlying land use category;

**WHEREAS**, such uses are permitted only if they are allowed by the City's Comprehensive Plan and further provided that the combination of uses shall be subject to administrative site plan approval review for compatibility of uses;

**WHEREAS**, pursuant to Florida Statutes Chapter 163, Part III entitled "Community Redevelopment," local governments have the ability to designate certain areas within their communities as Community Redevelopment Areas ("CRA") when certain conditions exist;

**WHEREAS**, some of the conditions that may lead to the creation of a CRA include, but are not limited to, inadequate infrastructure, the prevention or elimination of a slum area or blighted area, preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health, insufficient roadways, and/or substandard or inadequate structures; and

**WHEREAS**, the establishment of the CRA may only be undertaken upon the completion of a Finding of Necessity Study to establish whether a need for the rehabilitation, conservation or redevelopment, or a combination of each exists in the Proposed TOD Redevelopment Area;

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

**Section 1:** The recitals contained in the Preamble to this Resolution are adopted by reference and incorporated herein as if fully set forth in this Section.

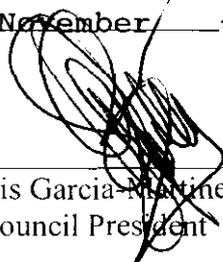
**Section 2:** Resolution of the Mayor and the City Council of the City of Hialeah, Florida in support of all necessary amendments to the City of Hialeah Comprehensive Plan and Zoning Code to allow for a Transit Oriented Development overlay district ("TOD") that will promote and encourage pedestrianism, mobility and transit ridership through vertical and horizontal mixed use development of an area limited to within .8 miles from the Hialeah Market Station/Tri-Rail Station as the concept is advanced in the proposed regulations attached as Exhibit "1."

**Section 3:** Resolution of the Mayor and the City Council of the City of Hialeah, Florida authorizing the Mayor to take all necessary steps to study the feasibility of creating a community redevelopment agency ("CRA"), including conducting a finding of necessity study and creating a redevelopment plan consistent and harmonious with the objectives of the transit oriented development overlay district.

**Section 4: 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.

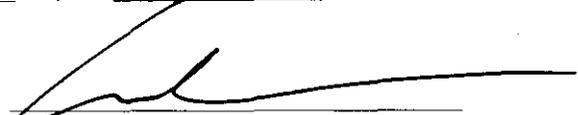
PASSED AND ADOPTED this 25 day of November, 2014.

  
\_\_\_\_\_  
Isis Garcia-Martinez  
Council President

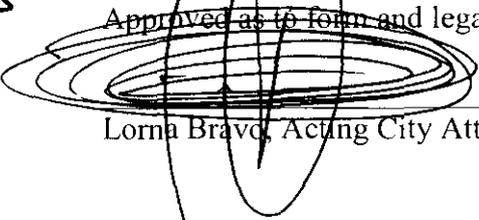
Attest:

Approved on this 05 day of December, 2014.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

for  Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorna Bravo, Acting City Attorney

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***DIVISION 36. MARKET STATION TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT***

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Sec. 98-1630.38 Market Station TOD District regulating plans.

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Sec. 98-1630.40 Design and architectural guidelines.

Sec. 98-1630.41 Limited expansion of Market Station TOD District regulations subject to special use permit.

Sec. 98-1630.42 Administrative site plan review and demolition and construction schedule.

Sec. 98-1630.43 General guidelines of Crime Prevention through Environmental Design (CPTED)

**Sec. 98-1630.22 Purpose.**

The purpose of the **Market Station Transit Oriented Development (TOD) District** is to provide vertical mixed use development consisting of residential, retail, office, light industrial and service-oriented uses that promote and encourage pedestrian walkability, mobility and transit ridership within the Hialeah Market Station/Rail Station area. The Market Station TOD is intended to permit a mix of uses within one development with a proportionate use mix as required in the underlying land use category. Such uses are permitted only if they are allowed by the City's comprehensive plan and further provided that the combination of uses shall be subject to administrative site plan approval review for compatibility of uses. The criteria and incentives provided herein apply to properties that satisfy each of the following requirements:

- (1) The property is located within the Market Station TOD District;



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- (2) The property has a land use classification of Market Station TOD; and
- (3) The proposed site plan conforms to the allocation of the proportionate use mix as required in the underlying Market Station TOD land use category, and further delineated in this section.

**District Characteristics.**

The **Market Station TOD** is intended to be a main mixed-use transit-oriented corridor for Hialeah, and serve as a link between the City and regional transit service networks to support a diverse urban fabric which consistently attracts people, activities, and investment.

The **Market Station TOD** provides the greatest capacity for mixed-use development and building heights in the City and focuses the most intense development along the new Orange Blossom Parkway to create a unique mixed-use corridor. The new Orange Blossom Parkway is defined as an urban parkway through streetscape improvements and the construction of a road adjacent to the west side of the CSX rail right-of-way between Hialeah Market Station and Hialeah Drive. The new road will create a frontage for the Market Station TOD and promote an active urban environment: one that provides the opportunity for an exemplary pedestrian-friendly mixed-use neighborhood with sustainable and environmentally responsive buildings and infrastructure. The Market Station TOD's close proximity to public transportation will support a variety of residential development types for a broad range of incomes. The combination of accessibility to public transit, housing and destination retail / commercial uses will shape this District as an active mixed-use neighborhood. Connectivity will be enhanced through the introduction of new streets. Proposed developments should promote walkable streets by providing ground floor active uses and open space through reduced parking capacities. The following defines the characteristics of the Market Station TOD:

- (1) The new Orange Blossom Parkway, located along the CSX railroad tracks, will create a street frontage for the new district and provide enhanced multi-modal connectivity throughout the district to reinforce the corridor as a gateway to public transportation.
- (2) Proposed developments fronting the CSX shall accommodate the new Orange Blossom Parkway pursuant to Sec. 98-1630.28 to create a street frontage for the Market Station TOD.
- (3) The open space requirements for multiple proposed developments may be consolidated into one centralized open space for the entire district. Building frontages adjacent to open spaces shall reinforce the pedestrian character and activity of the street.
- (4) Buildings and infrastructure should be sustainable and responsive to the environment to support the District as a sustainable neighborhood.
- (5) Towers shall be oriented towards the street to frame the public realm.
- (6) Mixed-income housing and service oriented retail is encouraged to support the Market Station TOD as a mixed-use and sustainable neighborhood.
- (7) Retail uses may include small neighborhood retailers such as small service retail, and destination retail such as large specialty retailers, grocery stores and big box retail as part of a mixed-use building.
- (8) Pedestrian pathways and bikeways should be used to enhance connectivity to public transit, the Hialeah Market Station (TRI RAIL) and throughout the Market Station TOD.
- (9) Active uses are encouraged for all building frontages which face primary pedestrian, secondary and arterial streets as defined in Sec. 98-1630.28.
- (10) CPTED (Crime Prevention Through Environmental Design) guidelines promoting surveillance of the public realm and community ownership of safety outcomes should be designed to facilitate walking, cycling and the use of public transportation.

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The Market Station TOD regulations are intended to provide for a method to allow for planning initiatives that achieve unique or innovative development not otherwise provided for in the zoning ordinance. The standards and procedures of this district are intended to promote flexibility and diversity in design and permit planned diversification and integration of uses and structures, with limitations and regulations as deemed necessary to be consistent with the City's Comprehensive Plan and to protect the public health, safety, and general welfare.

This district is of special and substantial public interest given its proximity to the Hialeah Market Station and to existing and future proposed commuter transit facilities within the CSX Corridor. The intent of the district is to:

- (1) Promote the efficient use of land resources through compact building forms, infill development, and moderation in street and parking standards in order to reduce automobile traffic and promote multi-modal transportation;
- (2) Promote the creation of a district-oriented environment through intensive urban mixed-use development with a twenty-four hour activity pattern;
- (3) Enhance the pedestrian environment and connectivity of the existing surrounding areas by extending and/or connecting the city street grid with the district; and
- (4) Provide intensive new housing opportunities needed to sustain future commercial growth and commuter transit facilities. To this end, the district promotes streetscapes and mixed-use buildings designed to provide pedestrians with lively, interesting, well-landscaped and highly usable public spaces with a maximum interrelationship with ground floor building uses.

Concerning building uses and overall buildable area, mixed-use development is encouraged by providing greater floor area ratios and overall building height than that of single use buildings. Furthermore, additional height allowance is provided on sites that have significant open space and/or are designated as strategically located visual corridors as defined here.

Although no specific requirements are contained, it is further intended that buildings be designed utilizing environmentally sensitive methods including, but not limited to, passive and active solar techniques, green-roofs, the utilization of environmentally sustainable materials and efficient mechanical systems.

**Sec. 98-1630.23 Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings described to them in this section.

*Active Use* means an enclosed building use designed for human occupation with a direct view to adjacent streets or public open space. Active uses are regulated as a percentage of buildable lot frontage. (Refer to Ground Floor Active Use and Active Use Liner).

*Active Use, Ground Floor* means an *active use* that attracts pedestrian activity; provides access to the general public; 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.

*Active Use, Liner* means an *active use* that serves to conceal uses designed for *parking* and other non-habitable uses. Active liner uses generally include, but are not limited to, commercial, residential, hotel, office and live/work.

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*Active Use, Liner Depth Standard* means the minimum depth of an active use liner. Active use liner depth minimums shall be pursuant to individual Building Requirements, except that *active use liner* which exceed the minimum required frontage percentage and when a *parking structure* is the *primary use*, the *active use liner* shall be permitted to have a minimum depth of fifteen (15) feet.

*Activity node area* describes an area located at the intersection of section lines or major thoroughfares, with high vehicular traffic or in the vicinity of public transit routes or corridors.

*Big Box Retail* is defined as a single retail store comprised of at least twenty thousand (20,000) square feet. Big box retail must include active use liners and be part of a mixed-use building.

*Block* is defined as a combination of contiguous building lots, the perimeter of which abuts public street(s), private street(s), or easement(s) or designated open spaces(s)

*Build-To Line* means an alignment established a certain distance from the base building line to a line along which a building shall be constructed. Build-to dimensions are established for each street frontage and require that primary building frontages be constructed at the dimension provided for a minimum of x (x) percent of the lineal building frontage. Platted public right of way shall be defined as the base building line.

*Buildable Lot Frontage* means all or a portion of a lot line parallel to the street or public space, measured in a single plane, less applicable setbacks.

*District* describes a geographic area or district that provide common zoning regulations under a unified purpose that supersede or supplement existing zoning regulations. The District provides zoning incentives and waivers to encourage responsible development in areas targeted for redevelopment.

*Flex Space* is defined as a building with a mix of non-residential uses. Flex space allows each use to be a flexible percentage of the permitted uses allowed in the Market Station TOD. The uses shall predominantly consist of light industrial uses, commercial uses and related services (such as research and development, retail, office, showroom, retail accessory to light industrial activities, and light industrial processing). Flex space uses shall consist of no less than 30% retail, showroom and/or exhibition space, accessory to light industrial uses, office combined, and no more than 70% light industrial/warehouse uses of the total uses allowed.

*Gateway:* The Market Station TOD promotes the design of buildings as gateway structures by providing greater allowable height at strategic street intersections within the district.

*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.

*Mezzanine* means a partial story that may occur between the first and second story and shall be used for functional ancillary to ground floor uses.

*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.

*Neighborhood Street* means a local, slow movement right-of-way that predominantly consists of frontage for residential uses.

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*Podium* means any portion of a building that occurs below a given height, depending on the District Building Requirements. The podium is typically comprised of parking uses concealed by ground floor active uses and active use liners.

*Setback* means the required minimum or maximum horizontal distance between the property line or the newly platted property line as per the Market Station TOD District Street Types Regulating Plan and street sections defined in Sec. 98-1630.38.

*Tower* means any portion of a building that occurs above a given height or above the podium, depending on the District Building Requirements. The tower is typically comprised of active uses only.

**Sec. 98-1630.24 Geographic area**

The Market Station TOD District shall be comprised of the properties located within 0.8 miles from the Hialeah Market Station/Tri-Rail Station, having NW 54 Street (Hialeah Drive) as its northern boundary, State Road 112 (Airport Expressway) as its southern boundary, SE 30<sup>th</sup> Court northward to SE 30<sup>th</sup> Street as its western boundary, thereafter, SE 10<sup>th</sup> Avenue as its western boundary to NW 54 Street, and the CSX railroad tracks as its eastern boundary.

**Sec. 98-1630.25 Precedence over other land use 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 Market Station TOD District shall prevail. The Market Station TOD District regulations take precedence only if the property owner develops the property according to the expanded uses that are available in the Market Station TOD 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. 98-1630.26. Permitted use limitations and prohibited commercial uses.**

No building or land shall be used, 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 as follows:

(a) *Permitted uses and structures:*

- (1) High-rise apartments.
- (2) Condominiums.
- (3) Multiple family dwellings.
- (4) Hotels and residential apartment hotels but excluding rooming houses and motels.
- (5) Child care centers.
- (6) Public-owned and/or operated neighborhood centers, auditoriums, libraries, museums, art galleries and similar uses; recreation buildings and facilities, parks and playgrounds.
- (7) Neighborhood convenience goods and services, including food stores, supermarkets and grocery stores (grocery, meat, seafood, produce, delicatessen, bakery, confectionaries, ice cream), drugstores, newsstands.

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- (8) Retail establishments open to the general public as follows: antique stores; art stores and commercial art galleries; bicycle sales; cigar sales and hand-manufacturing stores in connection with retail sales; flower shops; leather goods (excluding on-site tanning); shoes; luggage; gift shops; jewelry (except pawn shops); china; ceramics; book stores (except adult book, adult video stores and other adult entertainment) and newsstands; music stores; drugstores; general home furniture and appliance stores for television, radio and other electronic equipment; computer sales and service; lock and key shops; office furniture and supplies; floor covering; sporting goods; salesrooms and showrooms; automobile showrooms where cars are prominently displayed and offered for sale, and where no servicing or maintenance of automobiles is conducted on-site; bicycles; paint and wallpaper, photographic studios and camera sales, equipment, and film; music tapes, CD, DVD and record sales; video stores; optical stores; and hardware stores. Repair and incidental assembly are permitted as accessory uses, but not as principal uses. With the exception of antique stores, the sale or offer for sale of second-hand merchandise shall be prohibited. Automobile showrooms with on-site service and maintenance areas shall also be prohibited.
- (9) Service establishments including barber and beauty shops, dressmaking, tailoring, shoe repair, interior decorator, photocopying, blueprinting, publishing, photographic and engraving establishments, self-service laundries, laundromats and dry cleaning establishments where dry cleaning is performed on premises or where hazardous materials and flammable solvents are not stored or used on premises.
- (10) Restaurants, brewery, tearooms and cafes (without drive-through facilities unless internally accessible through a garage) including those with dancing and live entertainment. Outdoor dining or seating for restaurants and cafes may be permitted only until 11:00 p.m.
- (11) Bars, nightclubs, banquet halls, lounges, cabarets, discotheques and other similar establishments, as defined in this Code, shall be permitted with a minimum distance separation separations provided by state law. The permitted use shall be based on submission of an approved site plan. Sufficient and adequate parking, traffic flow and circulation patterns shall be given great weight in the determination of whether or not a site plan is approved. Bars, nightclubs, cabarets, discotheques, lounges, bars and restaurants serving alcoholic beverages must obtain, in addition to a city occupational license, the appropriate state license as defined and regulated by state law. No city occupational license will be issued without having met these requirements.
- (12) Office for business and professional purposes.
- (13) Movie and television production studios with indoor sound stages and/or outdoor lots and backlots.
- (14) Communication towers
- (15) Publicly owned or operated parks or recreational/cultural facilities.
- (16) Public or private schools, vocational providing training and skills in a site that is compatible with the surrounding area; karate studios, dance, aerobics and health/exercise studios.
- (17) Medical and dental offices, outpatient clinics and labs.
- (18) Structures and other uses required for governmental operations.
- (19) Banquet halls, cultural facilities, museums and community-service and social organizations.
- (20) Package liquor stores (without drive-in facilities) subject to a minimum floor area of 2,000 square feet in a location where minimum parking requirements must be satisfied onsite,

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with distance provisions to schools and religious places of worship as described elsewhere in this code.

(21) Light Industrial Uses: Assembly or packaging of goods not utilizing heavy machinery, including food and beverage products, small electronics, watches, jewelry, clocks, musical instruments, and products from previously prepared materials (cloth, leather, canvas, rubber, etc.); auditorium; art galleries; light manufacturing, not utilizing heavy machinery, including ceramic products, glass products, hand tools, and electronic equipment; professional, business, technology-related development and research or administrative offices, either as a main permitted use or as part of a permitted light industrial use; printing, engraving, lithographing, media services, and publishing, not utilizing heavy machinery; wholesale business and sales, warehouses, mini and other storage buildings, and distribution facilities, except those storing or distributing flammable or explosive materials; artisan studios, including, but not limited to, crafts, furniture, cabinet and wood working shops, glass blowing and similar shops; tailoring services; automotive repairs; brewery; clubs, private; novelty works; radio and television transmitting stations.

(22) Commercial parking lots and garages subject to Sec. 98-1630.28.

(b) *Prohibited commercial uses:*

- (1) All uses that are first permitted in the C-3 zoning district, which are identified in paragraphs 98-1156(a)(2) through (6) hereof.
- (2) Mechanical and manual carwashes.
- (3) Automotive uses first permitted in the C-1 zoning district, which are identified in subsections 98-1066(4) and (5).
- (4) Automotive and marine uses first permitted in the C-2 zoning district, which are identified in subsections 98-1111(23) through (31).
- (5) Adult entertainment activities and businesses.
- (6) Funeral homes, funeral viewing services and cemeteries and all related activities.
- (7) Hospitals and residential care and treatment facilities.
- (8) Motels.
- (9) Any other activity or use that is incompatible with residential uses and/or that if allowed, would have an adverse or negative effect on the health, safety and welfare of the residents such as the use, collection or disposal of hazardous materials, products, processes or waste, or activities that create excessive dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other such impacts.
- (10) Stand-alone big box retail surrounded by surface parking.

**Sec. 98-1630.28 Building uses and use mix percentage.**

Retail and flex space uses shall be allowed only up to three stories from the ground level of any building in mixed-use buildings. Office uses shall be allowed on all levels. Residential uses shall be allowed on all levels. The ratio of total square footage dedicated to non-residential uses (retail, light industrial, office, hotel, service-oriented uses, live/work units, flex space) and residential uses (high-rise apartments, condominiums, multiple-family dwellings, loft type units) is a minimum of 1:40 non-residential to residential.

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**Sec. 98-1630.28. Development Standards.**

- (a) **Minimum and Maximum Site Area and Block Sizes.** The minimum site area for developments within the Market Station TOD is 0.7 acres of contiguous land area. The maximum length of a block shall be 500'. The maximum lot coverage shall be 80% of the lot size.
- (b) **Floor Area Ratio, Residential Density and Height Limitations.** For the Market Station TOD shall be as follows:

**TABLE 36-1. Floor Area Ratio, Residential Density and Height Limitations:**

1.0	32 du/acre	2 stories	5 stories / 55'	North and South of SE 8th Street - Required right-of-way dedication for Orange Blossom Parkway
2.0	80 du/acre	3 stories	8 stories / 88'	North and South of SE 8th Street - Required right-of-way dedication for Orange Blossom Parkway and for All New primary pedestrian and secondary streets as defined in the Market Station TOD Regulating Plan
3.0	125 du/acre	5 stories	15 stories / 160'(*)	North and South of SE 8th Street - Required right-of-way dedication for Orange Blossom Parkway and for All New primary pedestrian and secondary streets; and/or existing street improvements as defined in the Market Station TOD Regulating Plan; Additional common public open space (above minimum open space requirement) or monetary contribution to the Orange Blossom Parkway Improvement Trust Fund as defined in Sec. 98-1630.37.

(\*) Floor Area Ratio Height Provision

- i. The floor area of ground floor retail in mixed-use buildings shall not be included in allowable floor area calculations.
  - ii. The dedicated land area for the Orange Blossom Parkway will be allowed to be included for allowable floor area calculation purposes.
- (c) **Height Limitations.** The maximum building height, without bonus provisions, is 55 feet and five (5) stories. The minimum height of a story or floor is 12 feet for nonresidential spaces as measured from the finished floor to the finished ceiling. The minimum height of a story or floor is 9 feet for residential spaces as measured from the finished floor to the finished ceiling. Increased

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building height up to a maximum of 160 feet or fifteen (15) stories shall be based on meeting the required development criteria for additional bonus provisions, site plan review of the physical site and its relation to surrounding properties, and building height diagrams provided in the Market Station TOD Building Heights Plan. Exceptions to maximum height are subject to design review.

Height limits do not apply to vertical projections not intended for human occupation such as, decorative roofs, parapets, masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads, solar energy systems and similar structures. Each mezzanine floor, to the extent permitted, shall be counted individually as a story, with the exception of parking floors and areas that are integrated to the floor below. Parking garages shall have a maximum height of 65 feet or 7 levels.

(d) **Gateway Designations.** Locations for gateway sites shall be as follows:

- (1) The NW corner of the intersection of Orange Blossom Parkway and SE 8<sup>th</sup> Street;
- (2) The SW corner of the intersection of Orange Blossom Parkway and SE 8<sup>th</sup> Street;
- (3) The NE corner of the intersection of SE 9<sup>th</sup> Court and SE 8<sup>th</sup> Street; and
- (4) The SW corner of the intersection of Hialeah Drive and Orange Blossom Parkway.

(e) **Parking garages.** Parking garages shall not front on the primary pedestrian streets unless screened with active liner uses generally including, but not limited to, commercial, residential, hotel, office and live/work. Active liner uses must conceal parking garages above the ground floor along primary pedestrian streets or fronting public spaces and meet required buildable lot frontage. Along designated secondary and arterial streets, parking garages with no active liner uses shall have an additional setback requirement as defined in Table 36-2 and shall require architectural treatment and a landscape buffer along the ground floor.

(f) **Surface parking.** No surface parking or loading areas shall be allowed on primary pedestrian streets or on a front setback or a side setback. On-street parking and on-street passenger loading and drop-off shall be allowed on primary pedestrian, secondary and arterial streets. Surface parking lots shall be allowed on secondary and arterial streets as per Sec. 98-1630.35.

(g) **Maximum and Minimum Setback Requirements.** Setback requirements for the Market Station TOD are measured perpendicular and from the base building line. Platted public right of way lines shall be defined as the base building line. The maximum and minimum setbacks requirements shall be as provided in Table 36-2 and below as follows:

**Maximum Ground Floor Setback for all Streets.** For the first twenty-five (25) feet in elevation above the public right-of-way, no building facade shall be set back more than a depth of ten (10) feet, except as otherwise provided in Table 36-2. Off-street parking shall not be allowed within the maximum setback. Building frontage may exceed the maximum setback requirement, provided that the resultant setback is designed and improved as public open space.

**b. Minimum Setbacks.**

1. *Minimum ground floor setbacks and podium and tower setbacks* shall be as provided in Table 36-2.
2. *Colonnades* must follow the setback requirements provided that a minimum of five (5) feet of sidewalk must remain clear of all obstructions. *Awnings and upper story balconies* may encroach the setback requirements by a distance of seven (7) feet. In no case shall *upper story balcony* encroachments be allowed beyond the base

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building/property line. Awnings may encroach base building property line by a distance of seven (7) feet into the right-of-way.

3. *Lot frontage.* Building frontages along primary pedestrian streets shall be a minimum of eighty (80) percent of the lot frontage. Along secondary and arterial streets, building frontages shall be a minimum of sixty (60) percent of the lot frontage.
4. *Building articulation.* In order to emphasize architectural verticality and allow for building and streetscape design variation, an accumulative maximum of forty (40) percent of any street may have no podium or tower setback as defined in Table 36-2.

**TABLE 36-2. Minimum Setback and Use Requirements.**

Hialeah Drive (Existing Street)	Arterial	10' setback on southern side(a)	18' setback for non-active uses	10' setback	_60% Active ground floor uses required
SE 8th Street (Existing Street)	Arterial	5' setback(a)	13' setback for non-active uses	5' setback	_60% Active ground floor uses required
SE 12th Street (Existing Street)	Arterial	0' setback(a)	8' setback for non-active uses	0' setback	_60% Active ground floor uses required
SE 10th Avenue (Existing Street)	Arterial	2' setback on eastern side(a)	10' setback for non-active uses	25' setback	_60% Active ground floor uses required
SE 9th Court (Existing Street)	Arterial	11' setback on southern side of 5th St. and eastern side of 9th Ct.(a)	19' setback for non-active uses	25' setback	_60% Active ground floor uses required
Orange Blossom Parkway (Proposed Street)	Primary Pedestrian	100' setback(d)	100' setback	115' setback	_80% Active ground floor uses required _Liner uses on all parking structures
SE 10th Street SE 10th Court (Existing Street)	Primary Pedestrian	5' setback	5' setback	25' setback	_80% Active ground floor uses required _Liner uses on all parking structures

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Market Station Boulevard (Proposed Street)	Primary Pedestrian	0' setback	0' setback	0' setback if fronting common public open space; 25' setback otherwise;	_80% Active ground floor uses required _Liner uses on all parking structures
Market Station Avenue (Proposed Street)	Secondary	0' setback (a)	8' setback for non-active uses	15' setback	_60% Active ground floor uses required
SE 5th Street (Existing Street)	Secondary	5' setback(a)	13' setback for non-active uses	15' setback	_60% Active ground floor uses required
SE 11th Street; SE 11th Place; SE 14th Street; SE 9th Terrace; (Existing Streets)	Secondary	10' setback(a)	18' setback for non-active uses	15' setback	_60% Active ground floor uses required
New Neighborhood Streets: East / West(e) (Proposed Streets)	Secondary	0' setback(a)	8' setback for non-active uses	15' setback	_60% Active ground floor uses required
New Neighborhood Streets: North / South(e) (Proposed Streets)	Secondary	0' setback (a)	8' setback for non-active uses	15' setback	_60% Active ground floor uses required

NOTES:

Setback means the required minimum horizontal distance between the property line or the newly platted property line as per the Market Station TOD District Street Types Regulating Plan and street sections defined in Sec. 98-1630.38.

(a) An additional 8' min setback is required for non-active uses and/or if no liner uses are provided to connect garage structure.

(b) Podium Setbacks are same as ground floor setback. Exceptions as noted.

(c) Tower Setbacks above five (5) stories except for commercial parking garages.

(d) Zone Right-of-Way for Orange Blossom Parkway as defined in Sec. 98-1630.37.

(e) Proposed new streets to be named

**Sec. 98-1630.29 Street types and street grid**

The street designations for the Market Station TOD defines a street classification system that regulates the characteristics of all streets with respect to spatial dimension, pedestrian and vehicular mobility and building active uses. Street designations for existing and new streets consist of three (3) types: Arterials, Primary Pedestrian and Secondary as indicated in the Market Station TOD District Streets Type Plan.

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New streets extend to connect to the existing City street grid. For specifics, refer to the Section Sec. 98-1630.38 and Table 36-2.

Primary Pedestrian Streets are the major streets in the Market Station TOD District and include main pedestrian streets and perimeter streets that connect to the surrounding neighborhood, and to arterial streets. They have the most visibility and shall, therefore, have the most stringent design and architectural standards. Similarly, they shall be the main source of activity for the neighborhood and shall have active ground floor active uses as defined in Table 36-2 with significant open space for pedestrian usage.

Secondary Streets serve as residential and main service streets in the Market Station TOD District. They connect pedestrians to primary pedestrian streets and handle medium intensity activities such as vehicular service access, access to parking garages, surface lots and neighborhood retail uses. They shall have design requirements that promote the residential character of these streets as well as service buildings. Ground floor active use requirements are defined in Table 36-2.

Arterial Street are main access and service streets in the Market Station TOD District and connect the District to the surrounding neighborhood and to main vehicular thoroughfares. Ground floor active use requirements are defined in Table 36-2.

**Sec. 98.1630.30 Streetscape**

All exterior space shall conform to the following standards and are subject to approval by the City of Hialeah Public Works Department and other authorities having jurisdiction. Denial of these requirements by such authorities for reasons of public health, safety and welfare shall not constitute a variance from this Ordinance.

- (1) All required yards, setbacks, and sidewalk area within the public right-of-way adjacent to streets shall be a continuous and ample pedestrian space for walkability. For all sidewalks, an area a minimum of 5' wide must remain clear of all obstructions to ensure adequate pedestrian circulation.
- (2) Street furniture shall be as defined in the Market Station TOD Design Standards. Street furniture shall be part of the urban streetscape to encourage pedestrian activity and provide such amenities as: trash receptacles, benches, bollards, pedestrian lighting, bicycle racks, parking meters, street signs, transit shelters, tables, chairs, and water fountains. Trash receptacles and benches shall be provided at a minimum of two hundred (200) foot intervals on both sides of Orange Blossom Parkway and Market Station Boulevard. Bicycle racks shall be provided at six hundred (600) foot intervals on both sides of Orange Blossom Parkway and Market Station Boulevard. These may be located in the pedestrian areas as long as pedestrian flow patterns are continuous.
- (3) All specified plant material shall be Florida #1 or better. Refer to the Florida Grades and Standards Manual. All shade trees shall have high wind resistance. Additionally, all trees and shrubs shall be native to Florida or have sub-tropic, drought tolerant characteristics.
- (4) Palm trees shall be provided in the sidewalk area at a minimum spacing of twenty-five (25) feet. Large palms shall have a minimum height of sixteen (16) feet and small palms shall have a minimum height of eight (8) feet.
- (5) Shade trees shall be provided in the sidewalk area at a minimum spacing of forty (40) feet on center with an eight (8) foot continuous canopy spread at planting and a twenty-five (25) foot spread at maturity with a 3" caliper at planting. Such trees shall have a minimum height of fourteen (14) feet at planting and twenty-five (25) feet at maturity.

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- (6) Only one shade tree species may be used for each individual street. Such species shall be determined by the City of Hialeah Planning and Zoning Department through the City's Tree Permit Program.

**Sec. 98.1630.31 Buildings**

All buildings abutting "primary pedestrian streets" as defined in Sec. 98-1630.38 shall conform to the following standards:

- (1) All ground level space designed for pedestrian oriented uses shall have external entrances directly accessible from public sidewalk space. At least one (1) external entrance shall be located along the frontage of the primary street or on the corner intersection of the primary street and any other street. Additionally, each building use, such as a retail store, cafe, or restaurant, shall have separate entrances. All such entrances shall be transparent.
- (2) 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 wall area. Additionally, the base of all transparent openings shall be no more than thirty (30) inches above the sidewalk.
- (3) Arcades and colonnades shall be at least seven (7) feet wide and twelve (12) feet high. A minimum of five (5) feet of the sidewalk must remain clear of all obstructions to ensure adequate pedestrian circulation.

**Sec. 98.1630.32 Building functionality**

All exterior space shall conform to the following standards, except as provided:

- (1) Service access and loading areas shall not be permitted to front primary pedestrian streets.
- (2) Service access and loading areas shall be enclosed within buildings or screened from public view with architectural walls and/or pedestrian structures.
- (3) All dumpsters shall be enclosed on three sides by a solid structure, and on the fourth side by an opaque gate.
- (4) Utility boxes, meters, and HVAC equipment shall be concealed within buildings or screened from public view.

**Sec. 98-1630.33. Minimum off-street parking requirements.**

Off-street parking in the Market Station TOD District shall be provided in accordance with the following minimum standards. If calculation of minimum parking spaces results in a number with a fraction, then the next higher whole number shall be considered in the proper calculation. Minimum off-street parking requirements shall be based on square footage of net floor area. Exemptions to the calculation of gross floor area include elevator cores, restrooms, mechanical/utility rooms, back-of-house, or other areas not intended to be utilized for primary use by residents, patrons, visitors, non-employees, etc.

**A. Requirements**

Since it is intended to promote the use of multi-modal transportation and that automobile traffic be minimized, the off-street parking requirements shall be as follows:

- (a) *Residential uses.* Parking for residential uses shall be 1.3 parking spaces per dwelling unit. Developments with more than 80 units shall be required to provide supplemental designated guest parking equal to five percent (5%) of the required residential parking spaces.

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- (b) *Commercial uses.* The parking requirements for commercial uses as designated in Sec. 98-1630.26 shall be three (3) parking spaces per 1000 square feet of net floor area except that neighborhood retail shall provide one (1) parking space per 400 square feet of net floor area.
  - (c) *Live/work uses.* One parking for each 1,000 square feet or fractional part thereof, of net floor area.
  - (d) *Flex Space.* Three parking spaces per 1,000 square feet of net floor area.
  - (e) *Hotels.* One parking space per 40 living units, and one parking space per every 4 living units over 40 living units or fraction thereof.
  - (f) *Restaurants.* One parking space per 400 square feet of net floor area.
  - (g) *Light Industrial.* One parking space for each 1,000 square feet, or fractional part thereof, of net floor area for the first 10,000 square feet; one parking space for each 5,000 square feet, or fractional part thereof, of net floor area from 10,000 square feet to 50,000 square feet; and one parking space for each 10,000 square feet, or fractional part thereof, of net floor area over 50,000 square feet.
  - (h) The parking requirements for all other permitted uses in the Market Station TOD District shall be designated in Section 98-2189.
  - (i) *Valet parking* shall be allowed to satisfy off-street parking requirements.
  - (j) *On-street parking spaces* may be utilized to satisfy minimum off-street parking requirements whereby a maximum 10% of on-street parking spaces can count towards minimum requirements.
- B. Offsite parking permitted.** Offsite parking may count towards required parking subject to the following conditions:
- (1) Offsite parking shall be permitted by Special Permit without limitation on percentage of the required number of spaces or maximum distance when located within the Market Station TOD zoning district.
  - (2) Furthermore, there shall be no required demonstration or findings of practical difficulty or unnecessary hardship in providing required parking on the site, provided that the location of the offsite parking is within one thousand (1000) feet radius of the principal use, or there are permanent provisions made to transport the offsite parking patrons to and from the principal site at the property owner's expense.

**Section 98.1630.34 Off-street loading.**

The off-street loading requirements shall be as follows:

1. *For residential uses:*

- a. Berth minimum to be twelve (12) by thirty-five (35) feet by fifteen (15) feet in height;
- b. One (1) berth for every one hundred (100) residential units or fraction thereof.

*For non-residential uses:*

- a. Berth minimum to be twelve (12) by fifty-five (55) feet by fifteen (15) feet in height;
- b. For non-residential floor area of twenty-five thousand (25,000) up to fifty thousand (50,000) square feet, one (1) berth total. No berths are required for floor area less than twenty-five thousand (25,000) square feet;
- c. For non-residential floor area up to one hundred thousand (100,000) square feet, two (2) berths total;
- d. For non-residential floor area up to two hundred fifty thousand (250,000) square feet, three (3) berths total;
- e. For non-residential floor area up to five hundred thousand (500,000) square feet, four (4) berths total.

3. *Mixed use projects* shall comply with loading requirements per use as specified above.

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**Sec. 98.1630.35 Surface parking and parking garages**

Surface parking and parking structures shall conform to the following standards:

1. Surface parking is not permitted along frontages of primary pedestrian streets.
2. Surface parking is not permitted for developments above five (5) stories.
3. Surface parking shall be enclosed within buildings or screened from public view with architectural walls and/or pedestrian structures.
4. Vehicular access to parking structures shall not be permitted from primary pedestrian streets.
5. Blank, unarticulated walls will not be permitted for parking podium facades that are not lined with uses. Such facades shall have architectural treatments as defined in Sec. 98-1630.41. Ramps, stairwells and any other portion of a garage should be buffered with the use of decorative grilles and screens, landscaping, and other varied materials
6. As required in Sec. 98-1630.28, liner uses are required on all levels of parking garages except where noted and/or when such construction of uses would interfere with the ventilation requirements of applicable building codes. Such ventilation requirements shall be met with the least possible disruption to a continuous liner use program as required in Sec. 98-1630.28 and shall be accommodated on secondary and arterial street frontages.

**Sec. 98-1630.36. Special parking spaces and adjustments to requirements.**

- (a) *Parking for handicapped persons.* Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of the applicable state statutes, or succeeding provisions. Parking spaces required for the handicapped may be counted as parking spaces in determining compliance with this article. All spaces for the handicapped shall be paved.
- (b) *Bicycle parking.* Bicycle racks or other acceptable bicycle parking devices shall:
  - (1) Be designed to allow each bicycle to be supported by its frame.
  - (2) Be designed to allow the frame and wheels of each bicycle to be secured against theft.
  - (3) Be designed to avoid damage to the bicycles.
  - (4) Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.
  - (5) Accommodate a range of bicycle shapes and sizes and to facilitate easy locking without interfering with adjacent bicycles.
  - (6) Be located to prevent damage to bicycles by cars and vice-versa.
  - (7) Be consistent with the surroundings in color and design and be incorporated wherever possible into building or street furniture design.
  - (8) Be located in convenient, highly-visible, active, well-lighted areas.
  - (9) Be located so as not to interfere with pedestrian movements.

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- (10) Be located as near the principal entrance of the building as practicable.
- (11) Provide safe access from the spaces to the right-of-way or bikeway.

(c) *Adjustments to requirements.*

- (1) *Reduction for mixed or joint use of parking spaces.* The city may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use may be approved if the following conditions are met:

- a. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap. This data shall include a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition), prepared by a licensed parking/traffic engineer. The analysis must be provided in a form established by the administrative official. Reductions in the total number of required spaces for shared parking are not permitted unless the administrative official determines a reduction is appropriate on a case-by-case basis. Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The administrative official will determine whether hours of operation are compatibly overlapping.
- b. The developer submits a legal agreement approved by the city attorney guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Section.
- c. The structures and facilities provided for one or both of the uses are specialized to the degree that no change in use resulting in greater parking demand could take place without expensive reconstruction necessitating development permit and development plan review.
- d. If the properties are under separate ownership and control, a written easement and agreement shall be recorded at the applicant's expense, specifying the conditions of such joint use. This agreement shall be approved by the city attorney.

**Sec. 98.1630.37 Common open space requirements.**

A minimum of eight percent (8%) of the gross lot area shall be provided as required open space. The required one hundred (100') foot setback for the Orange Blossom Parkway may count towards the minimum open space requirement. The Orange Blossom Parkway is hereby established as a zoned right-of-way, dedicated to the public, and maintained as an urban linear parkway or greenway through streetscape improvements and the construction of a roadway adjacent to the west side of the CSX railroad right-of-way between NW 54 Street (Hialeah Drive) as its northern boundary and SE 14<sup>th</sup> Street as its southern boundary. The new road, the Orange Blossom Parkway, will create a frontage for the Market Station TOD and promote an active urban environment. The dedicated linear parkway or greenway shall include bicycle trails, pedestrian walkways and sidewalks, roadways, landscaping, and aesthetic and functional buffers between the parkway / greenway and the CSX railway line.

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As an essential purpose of the district is to provide significant common public open space and amenities, an additional minimum of two percent (2.0%) of the gross lot area may be provided as common public open space (above the minimum open space requirement) or a monetary contribution to the Orange Blossom Parkway Improvement Trust Fund may be provided for the purpose of increasing the allowable floor area from 2.0 FAR to a maximum 3.0 FAR as defined in Table 36-1. This common public open space may be aggregated among parcels or lots under common ownership and located in a common location within the district. The minimum monetary contribution towards the Orange Blossom Parkway Trust Fund shall be \$2.50 per square foot of total floor area above 2.0 FAR to a maximum of 3.0 FAR.

No area shall be accepted as common open space unless it satisfies the following standards:

- (a) Common open space shall be usable by all residents of the Market Station TOD District.
- (b) Common open space shall be suitably improved for intended use. Such use may include aesthetic, amenity, buffering or recreational purposes, or the preservation of natural resources, natural features or listed species habitats.
- (c) Common open space set aside for the preservation of natural features or listed species habitats, or for buffering purposes shall remain undisturbed and be protected by conservation easements dedicated to the city.
- (d) The location, shape, size and character of common open space shall be depicted on the Market Station TOD Designated Open Space Plan.
- (e) Common open space shall not be used for the construction of any structures other than recreational facilities and incidental maintenance buildings.
- (f) All designated common open spaces shall be preserved by one or more of the following methods:
  - (1) Public designation, subject to acceptance by the City Council.
  - (2) Conveyance to a property owner and association or nonprofit corporation.
  - (3) Retention of ownership, control and maintenance by the developer.
  - (4) Monetary contributions to the Orange Blossom Parkway Improvement Trust Fund.

**Sec. 98-1630.38 Market Station TOD District regulating plans**

The Market Station TOD Regulating Plans shall consist of a series of controlling plans that include the following:

- (a) **Market Station TOD Boundary Map** indicates the boundaries of the district and the overlap area between the Neighborhood Business District (NBD) Area 3 and the Market Station TOD.
- (b) The **Street Types Plan and Streetscape Cross-Sections**, which establishes a hierarchy of street types in existing and future locations that shall be provided and shown in all development plans. The Street Types Plan will also delineate the applicable required dedications of roadways.
- (c) The **Building Heights Plan**, which establishes the minimum and maximum allowable number of stories.
- (d) The **Designated Open Space Plan**, which designates open spaces, which shall be shown in all development plans. The designated open spaces shall be controlled by anchor points. The

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Designated Open Space Plan will also delineate linear park requirements for Orange Blossom Parkway, and applicable required dedications of parkland and/or monetary contributions to the Orange Blossom Parkway Improvement Trust Fund.

- (e) The **New Streets Plan**, which shows the location and the number of new streets needed to create the prescribed network of streets within the Market Station TOD District. Plan also indicates existing streets and existing streets to be dedicated.
- (f) The **Transit/Bike Route Plan**, which depicts the designated bike routes, including the bike facility requirement if any, which shall be shown in all development plans. The Transit/Bike Route Plan will also delineate transit, mobility, and pedestrian amenities.

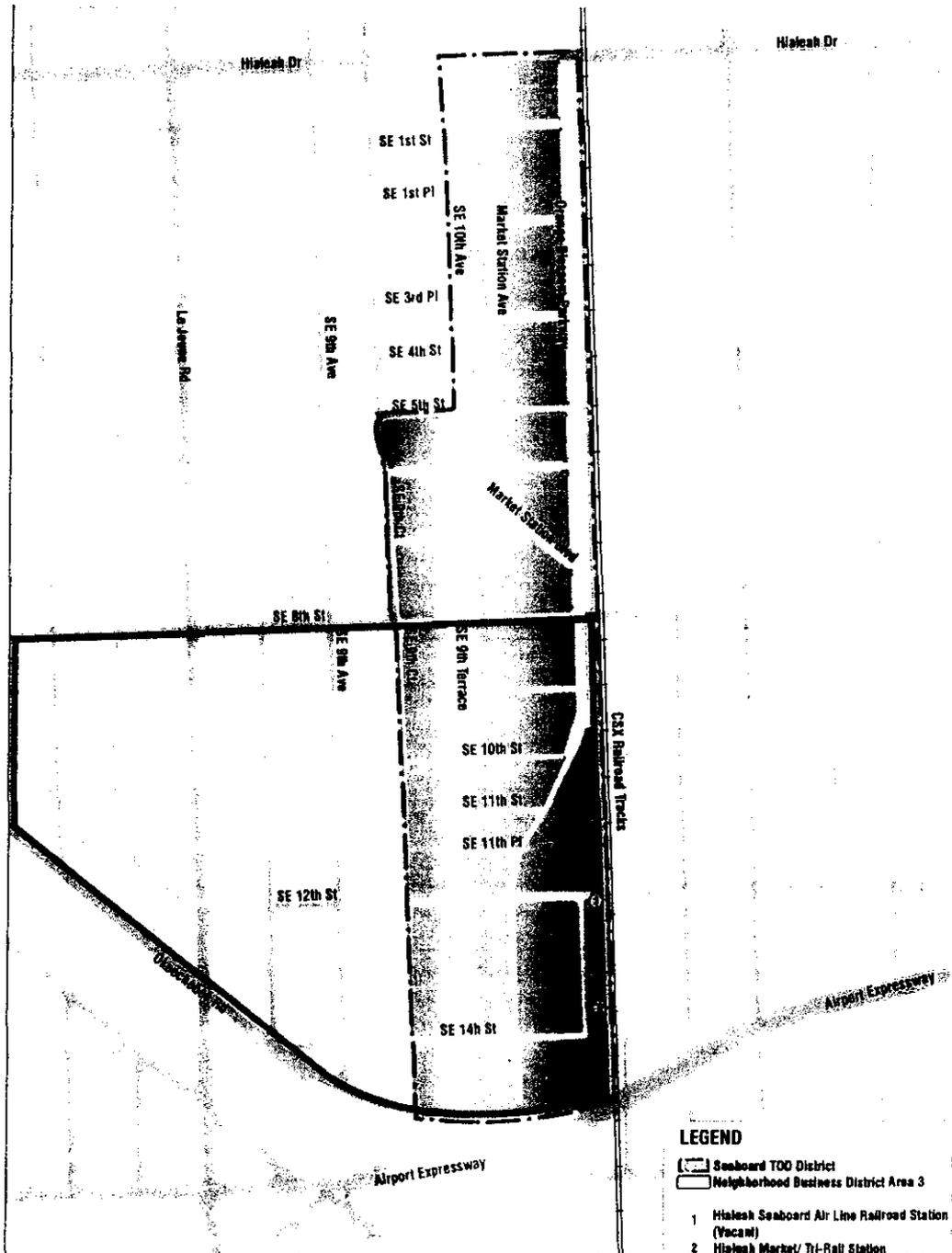
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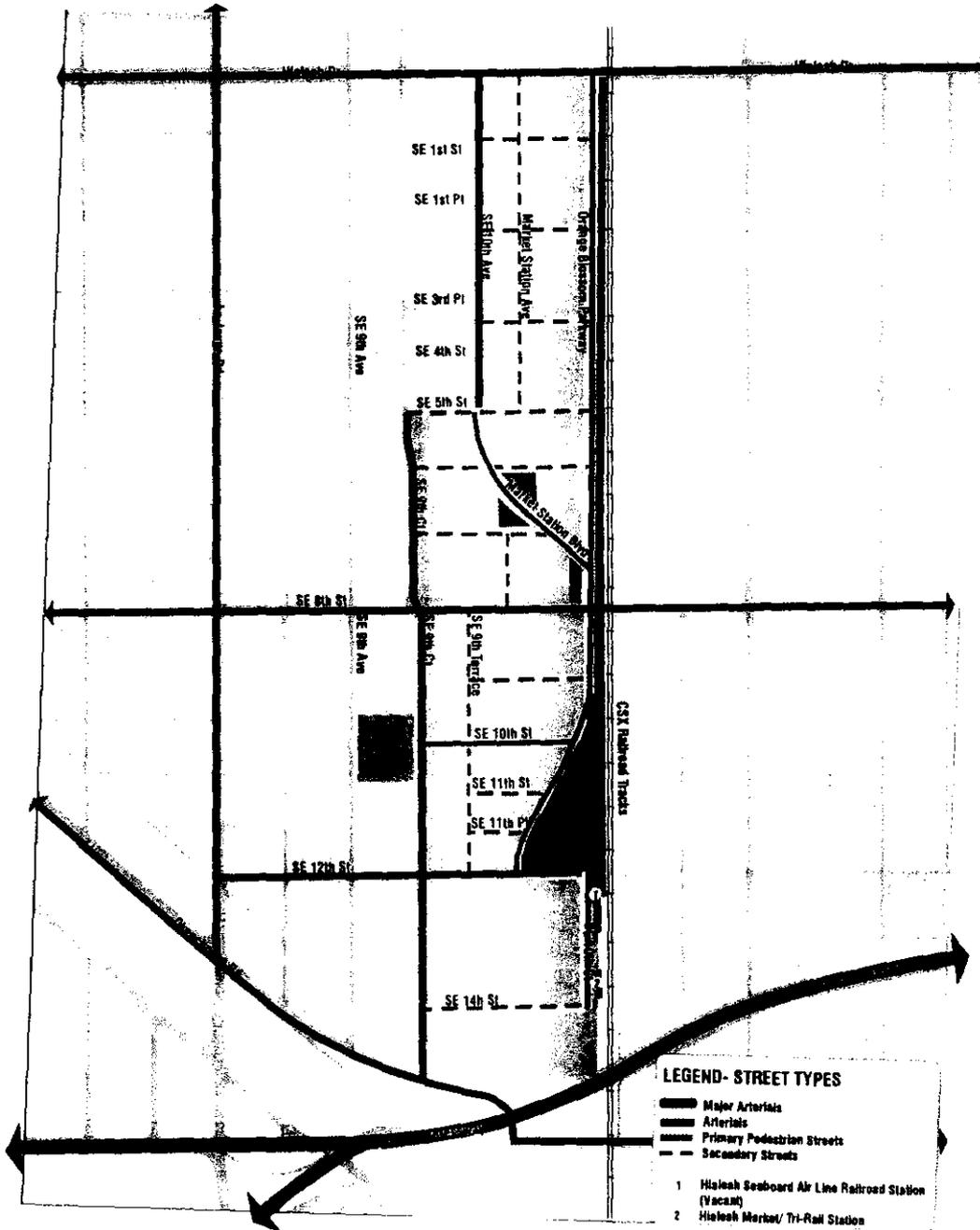
A. MARKET STATION TOD BOUNDARY MAP

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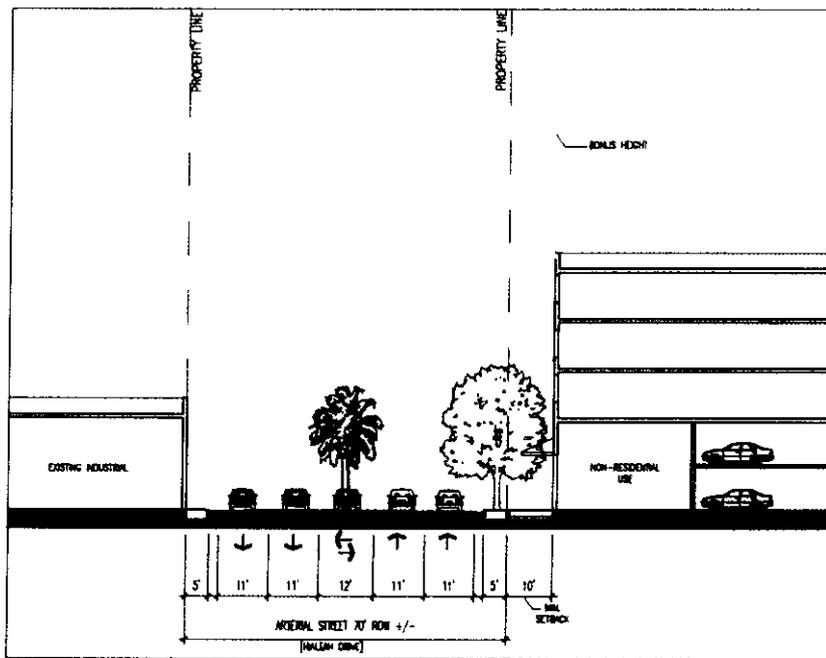
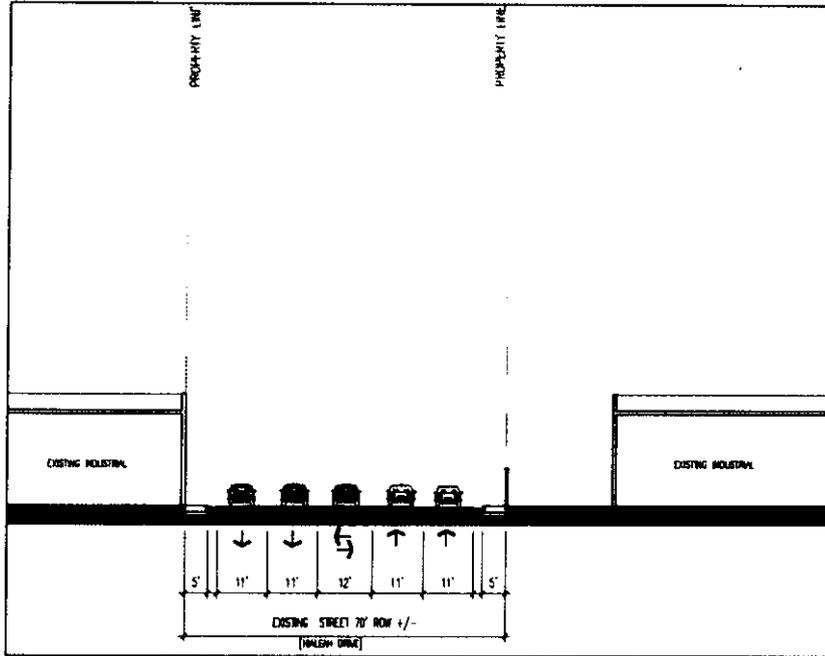
B. MARKET STATION TOD STREET TYPES PLAN AND STREETScape CROSS-SECTIONS

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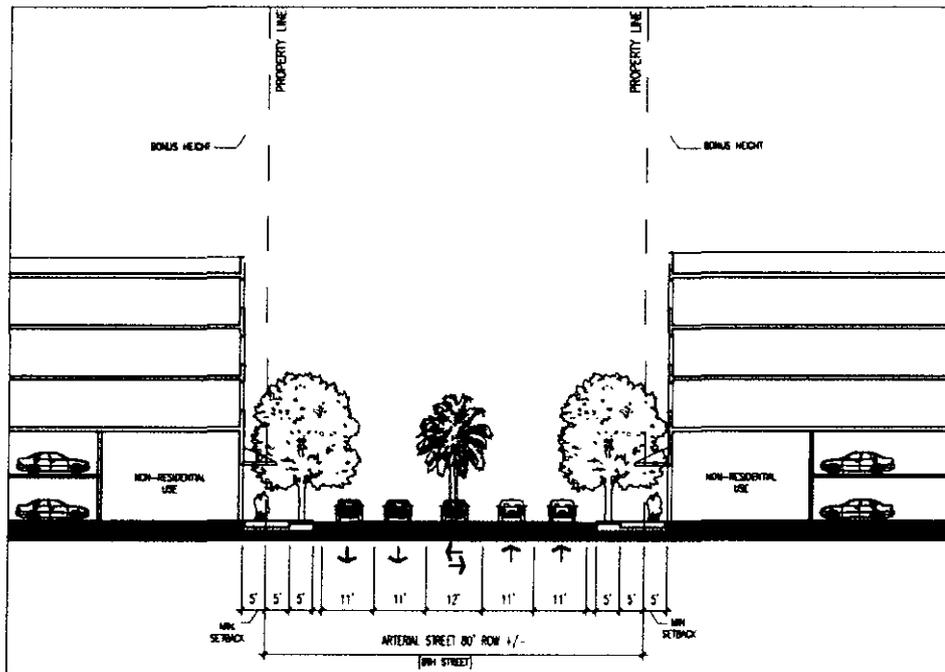
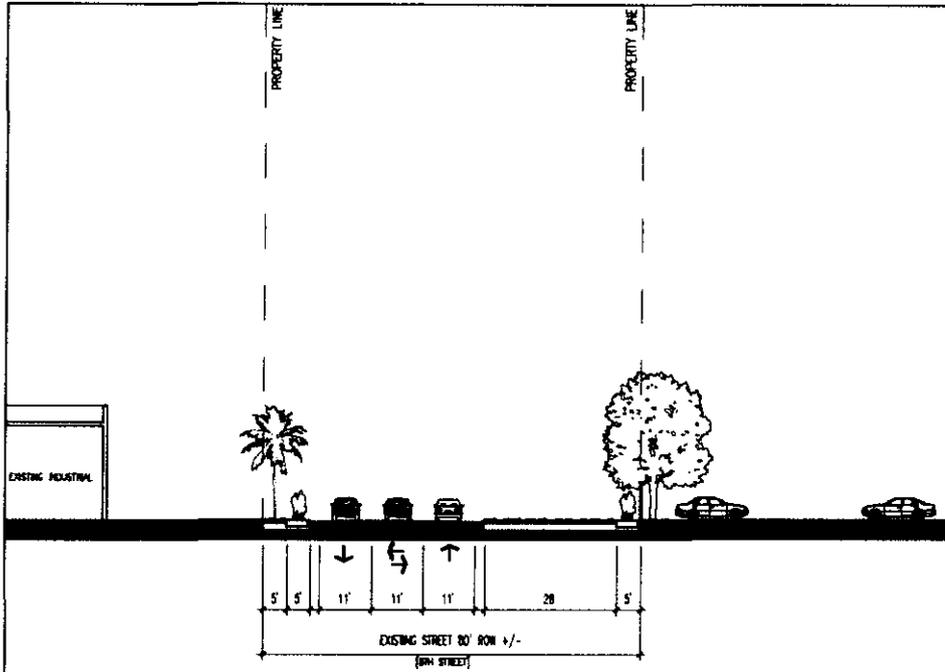
HALEAH DR STREET SECTIONS

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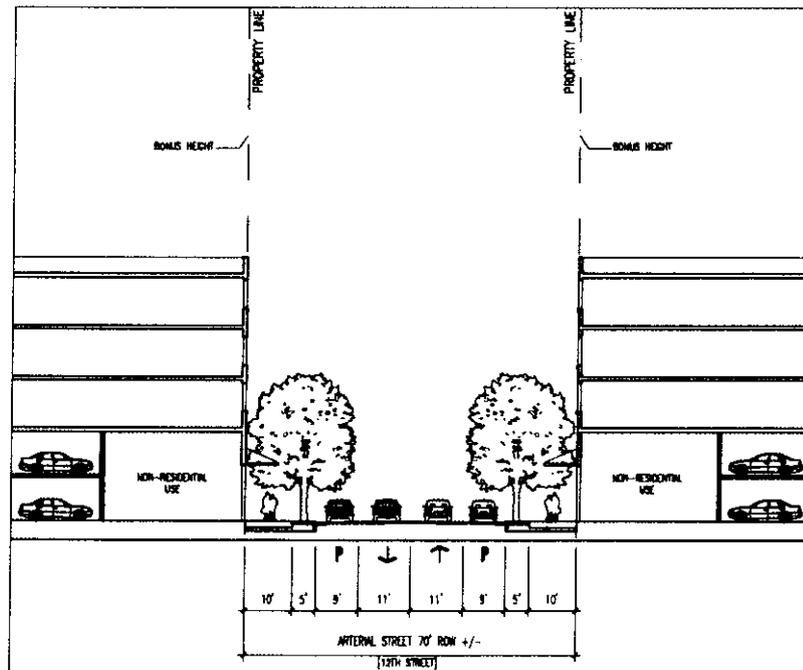
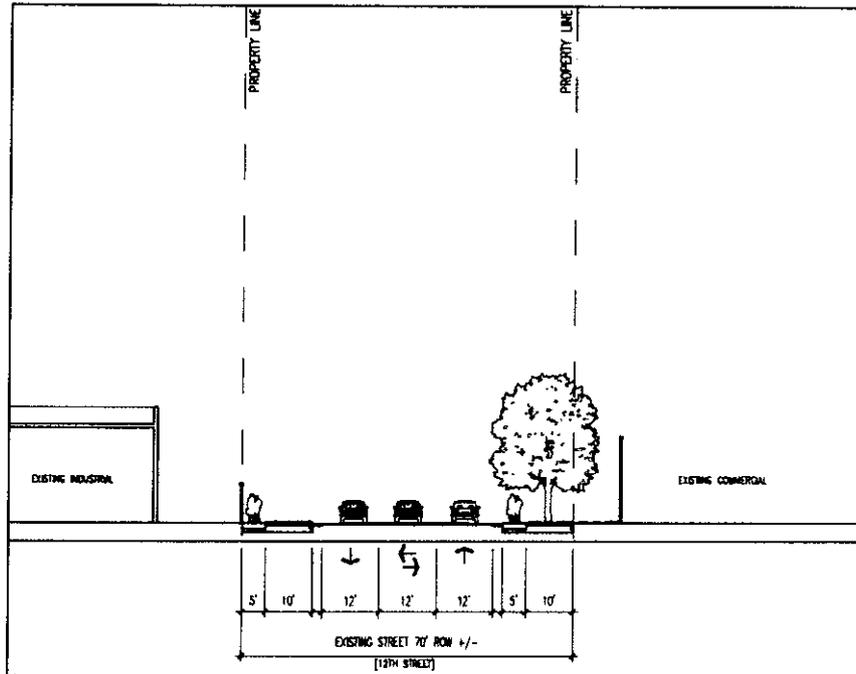
8th ST STREET SECTIONS

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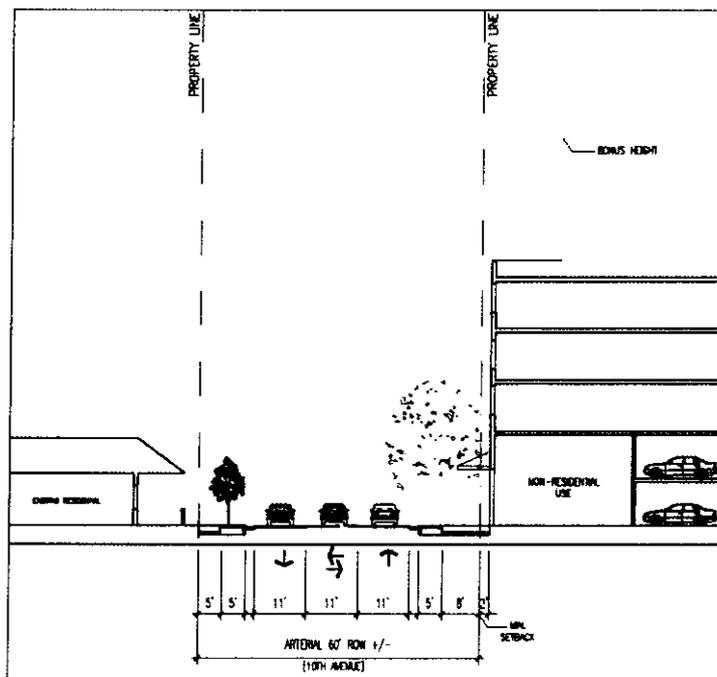
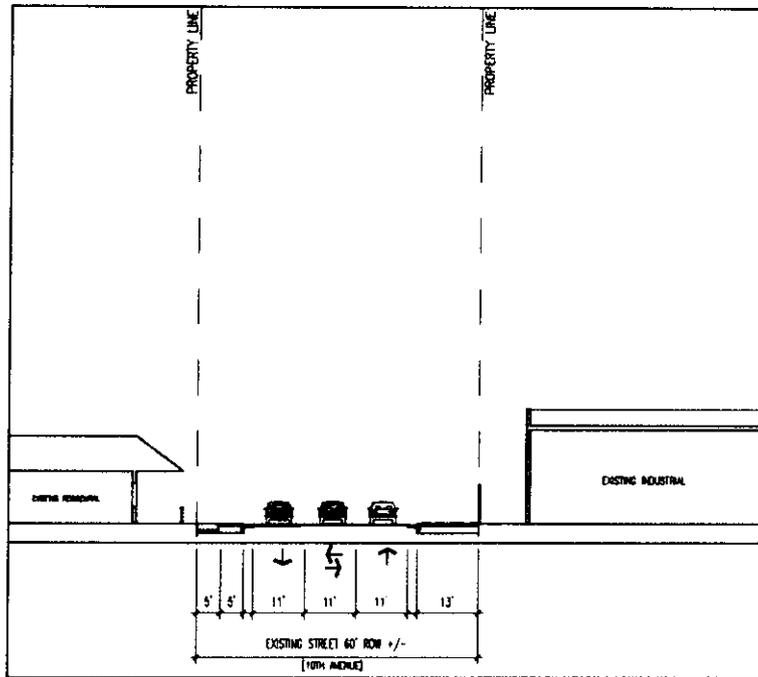
12th ST STREET SECTIONS

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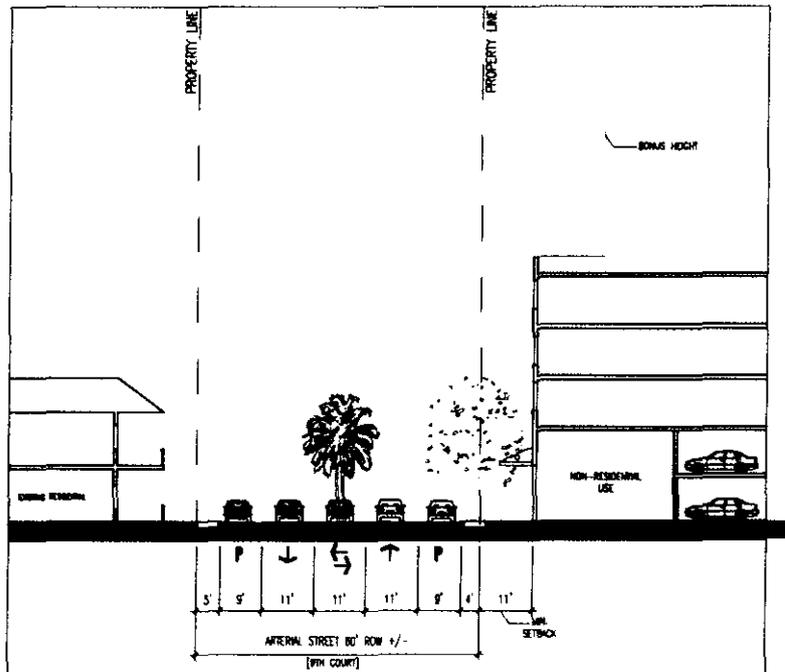
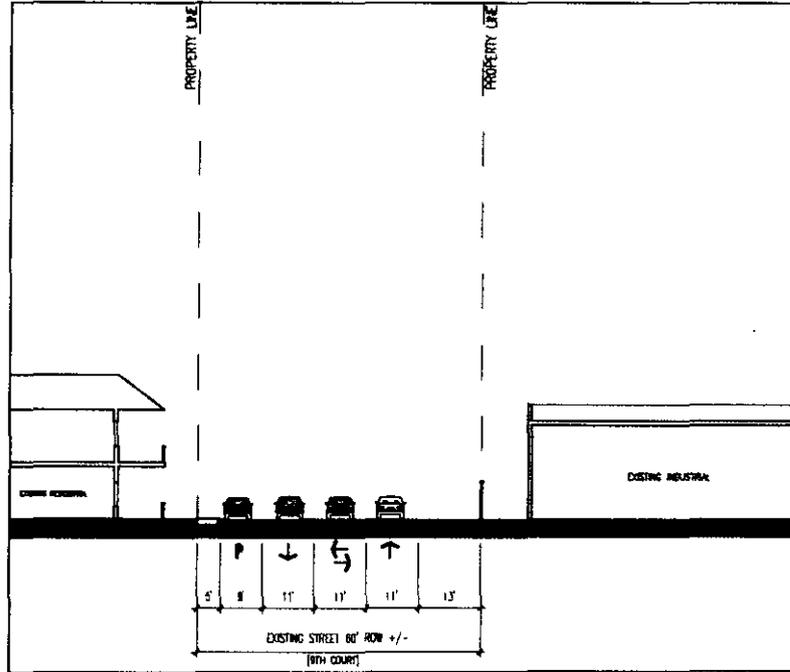
10TH AVENUE STREET SECTION

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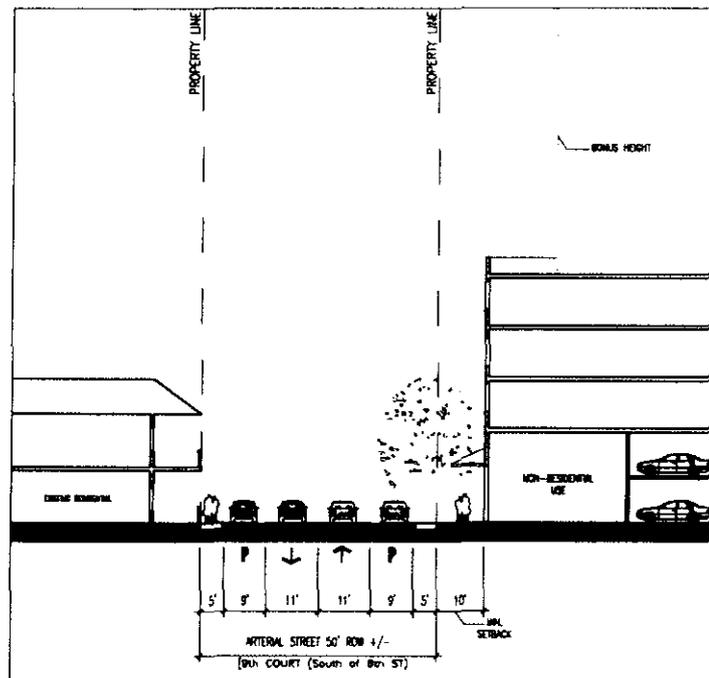
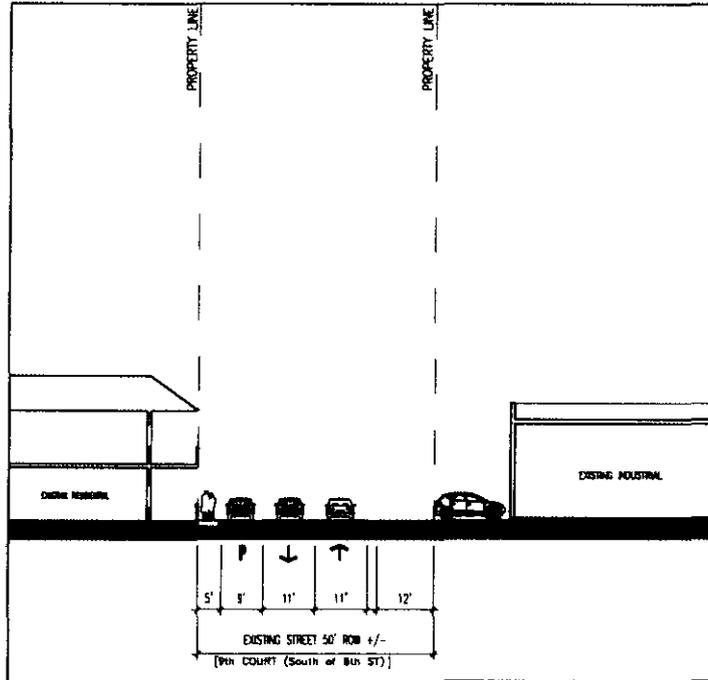
9TH COURT STREET SECTION

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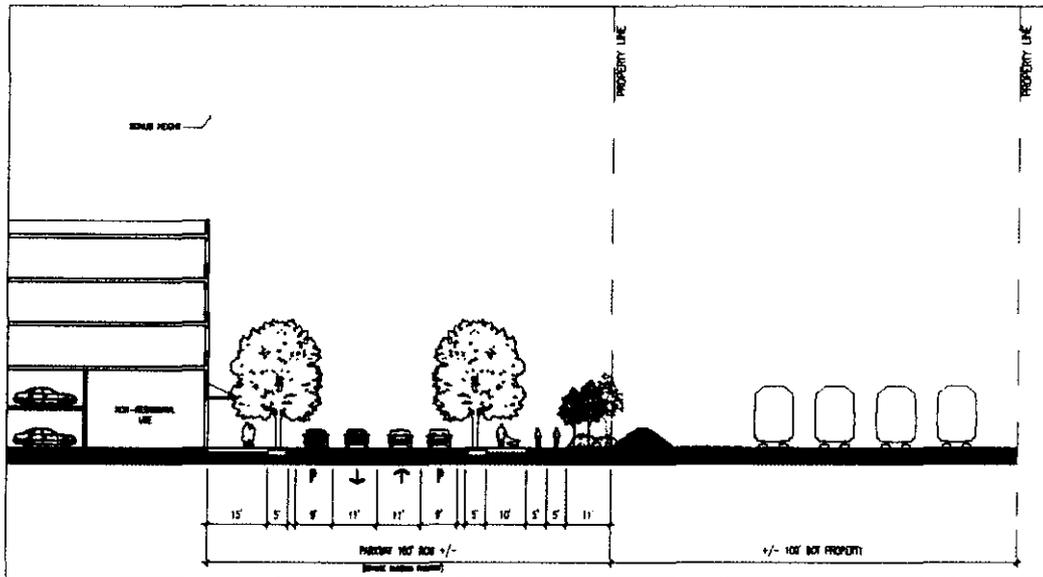
HIALEAH- 9TH COURT SECTION

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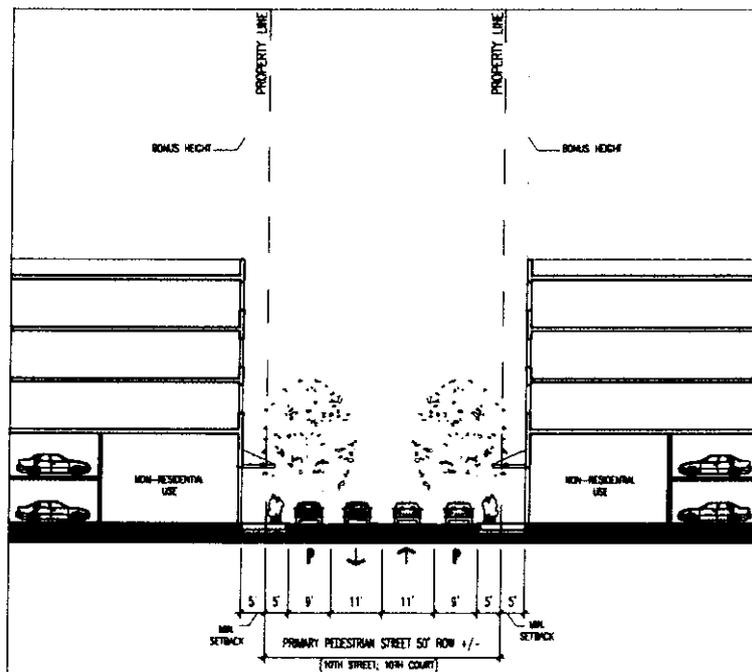
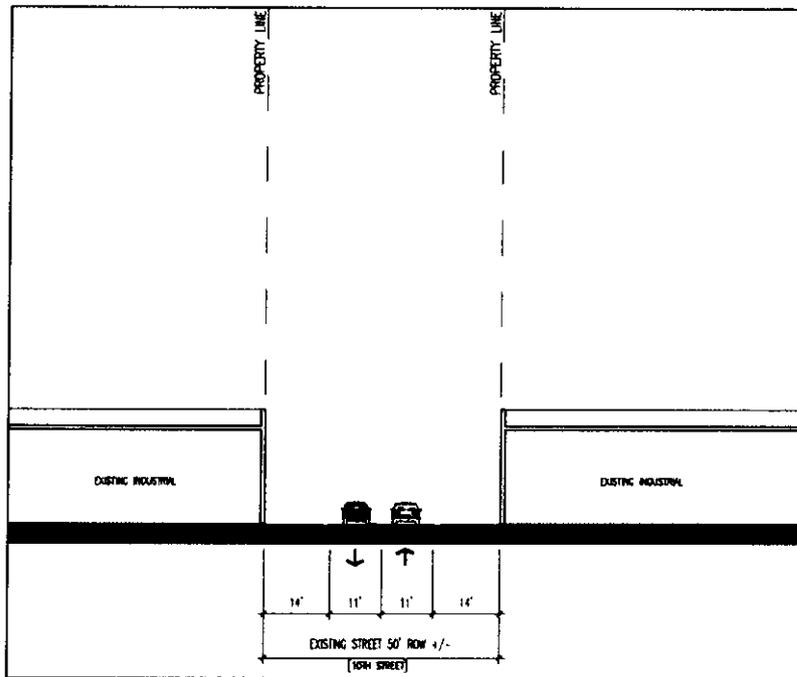
ORANGE BLOSSOM PARKWAY STREET SECTION

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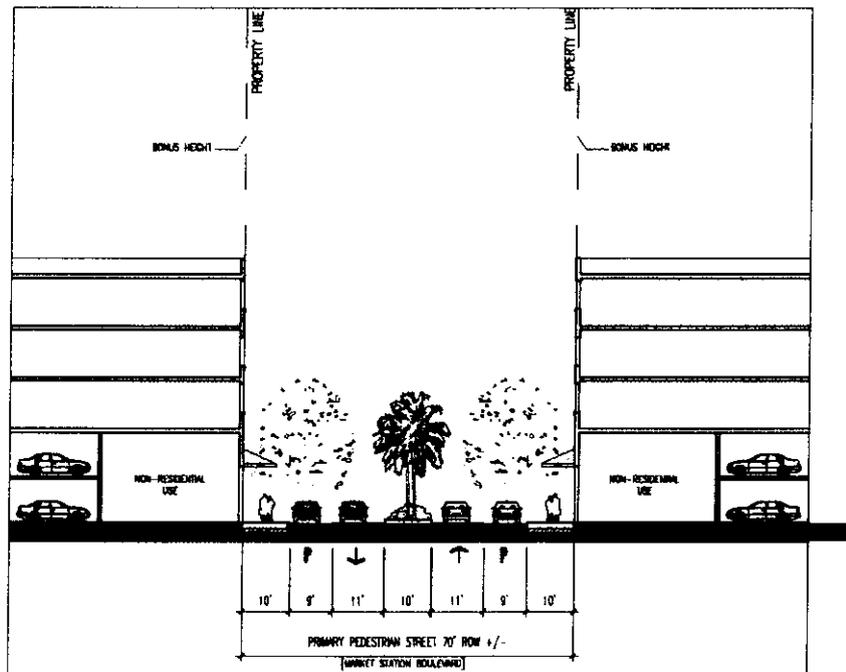
10th ST STREET SECTIONS

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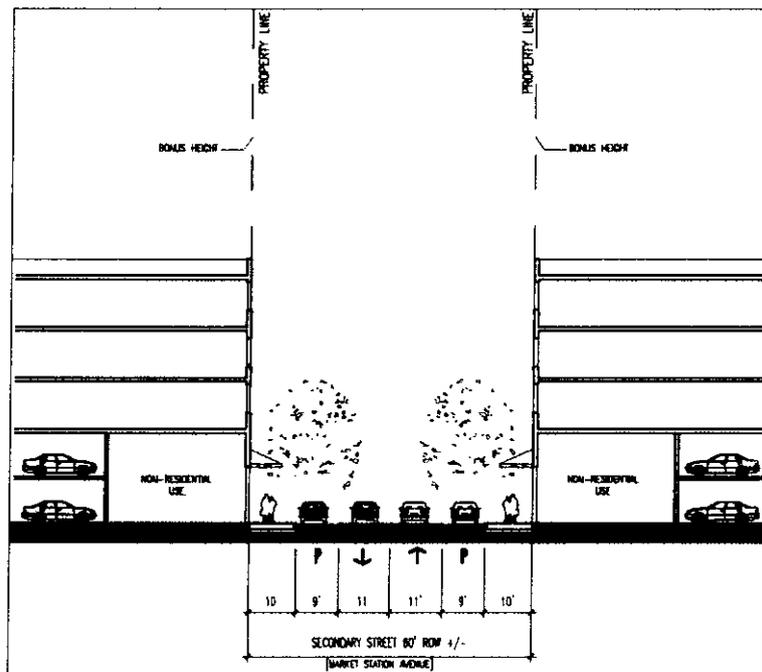
MARKET STATION BOULEVARD STREET SECTION

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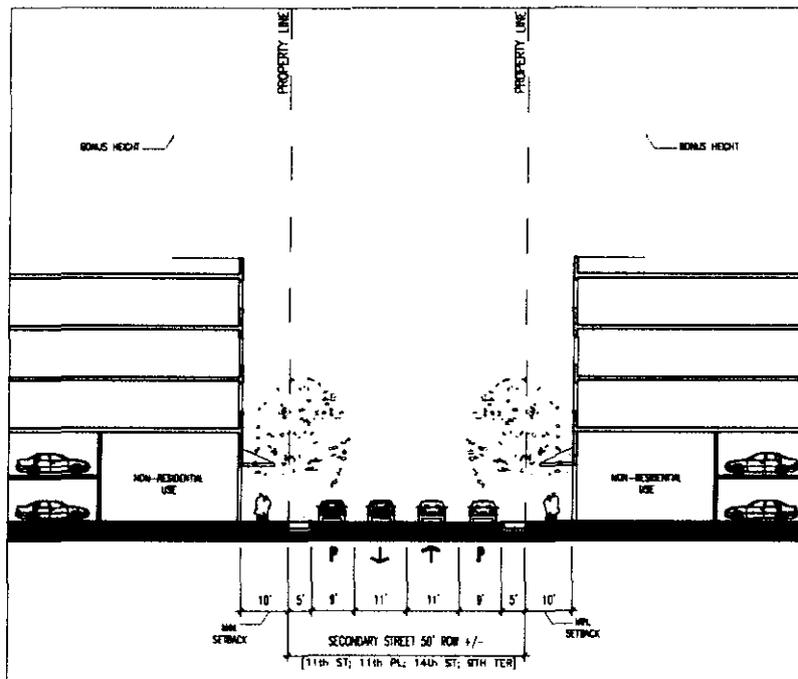
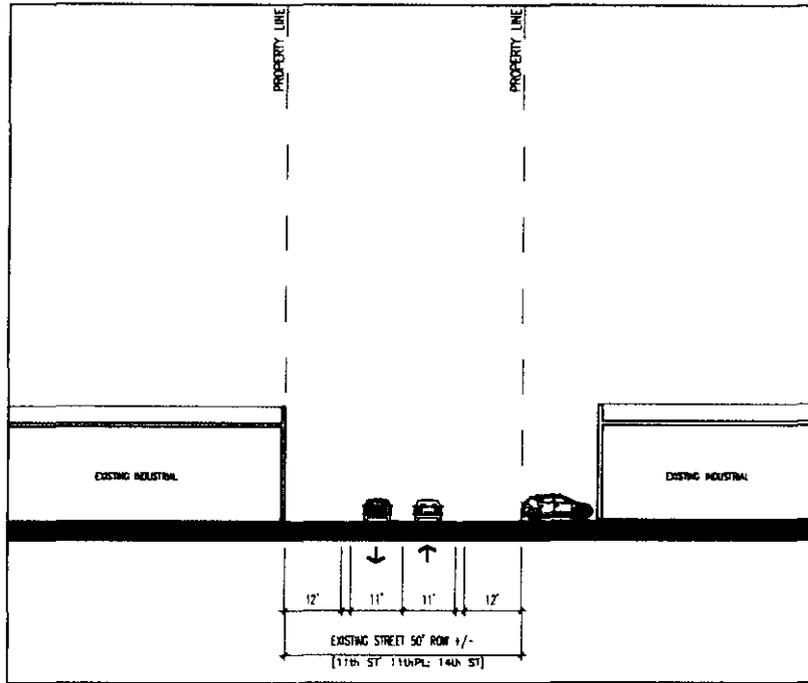
MARKET STATION AVENUE STREET SECTION

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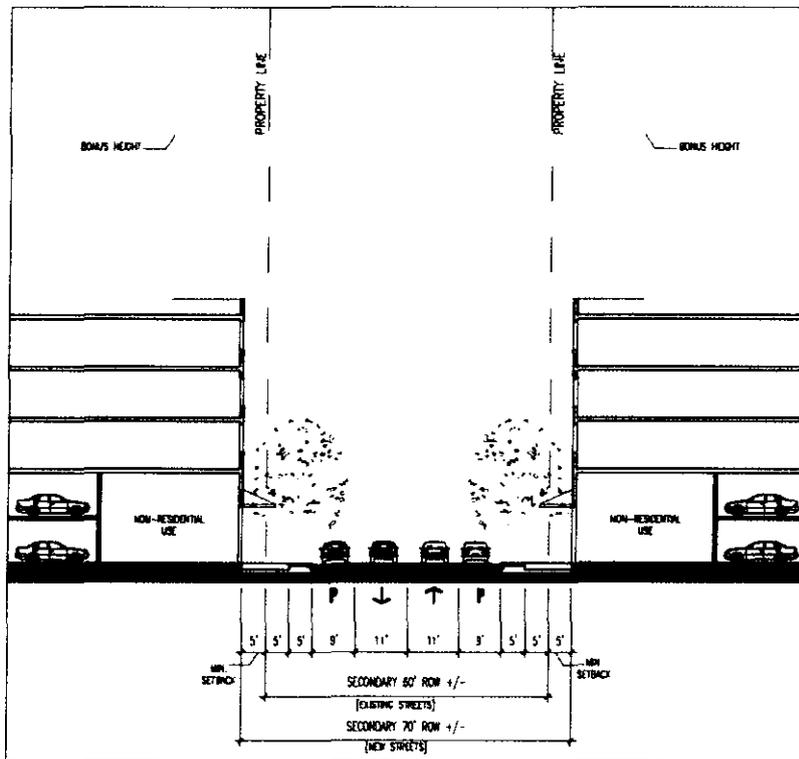
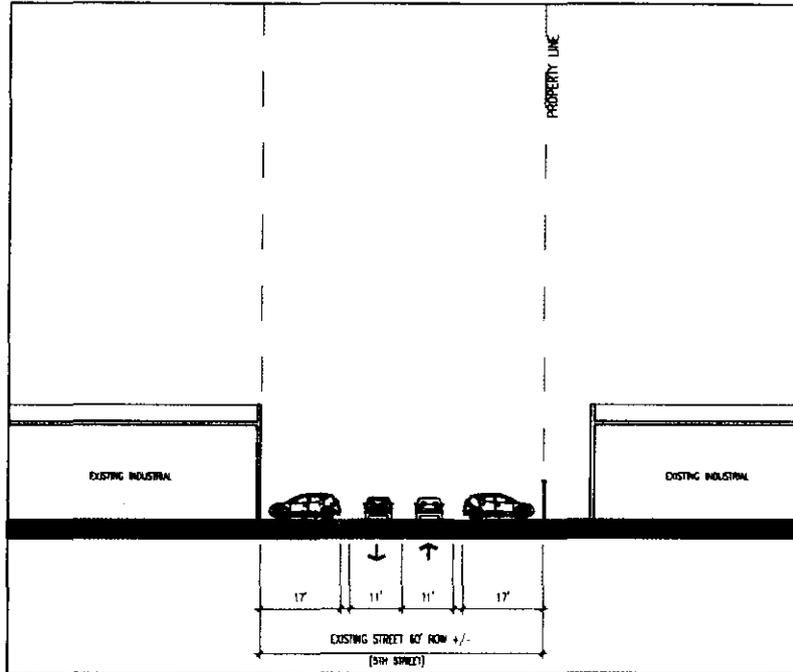


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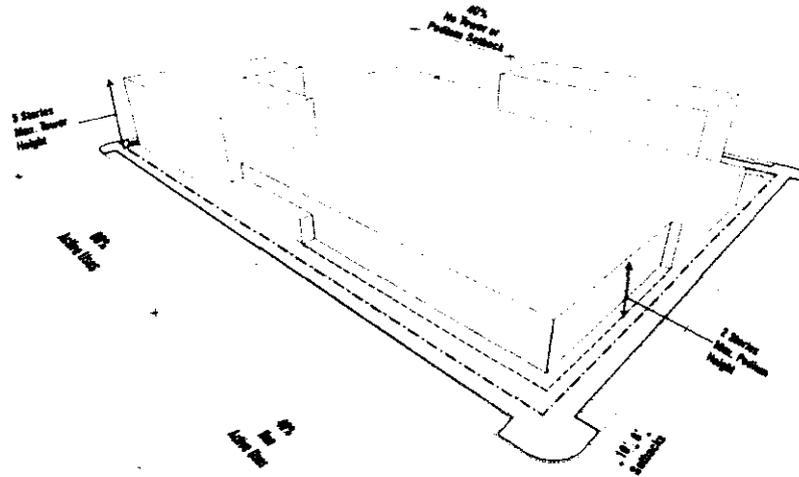
5TH STREET SECTION

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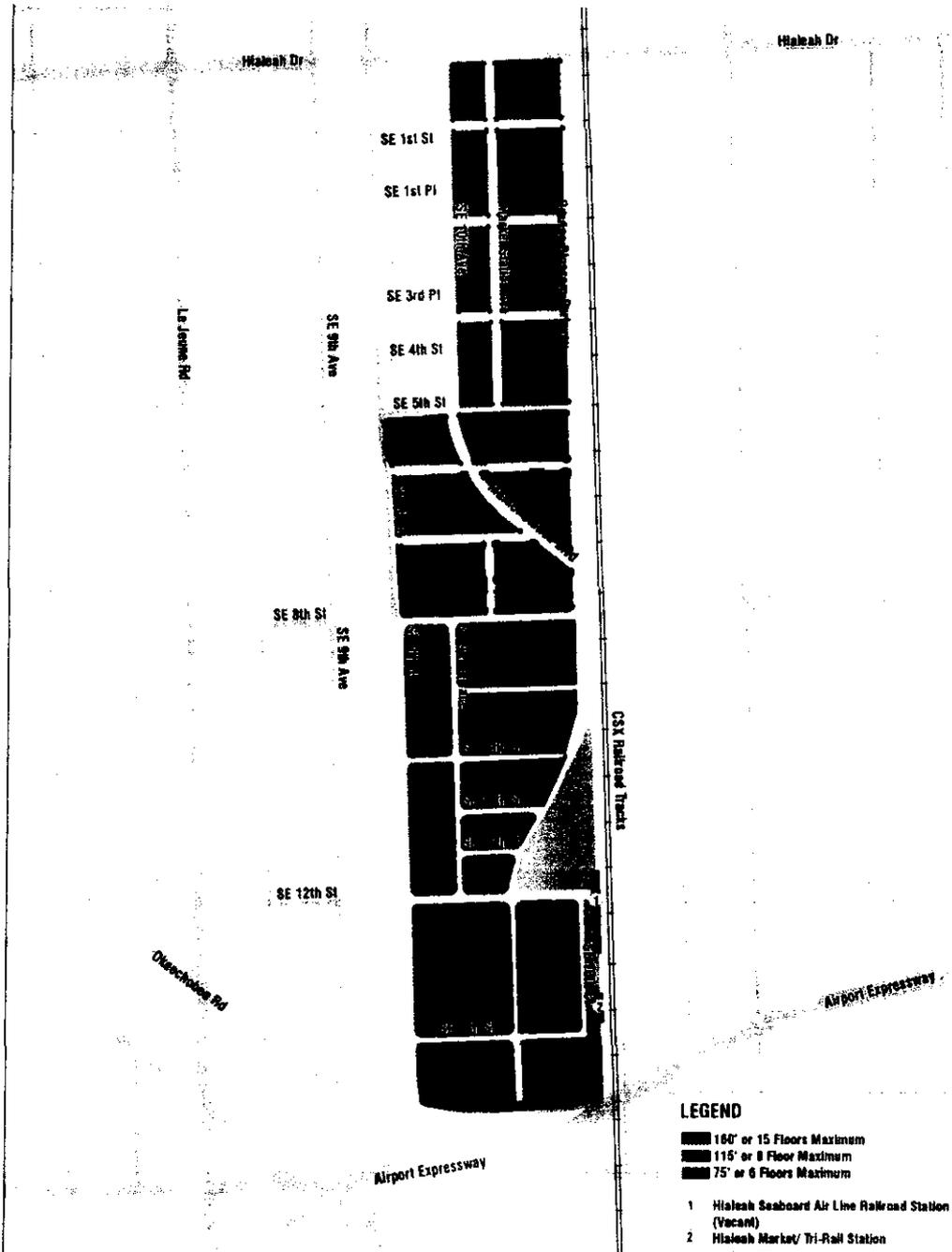
**DIAGRAM INDICATING REQUIRED MINIMUM SETBACKS FOR ACTIVE AND NON-ACTIVE USES.  
(FAR = 1.0)**

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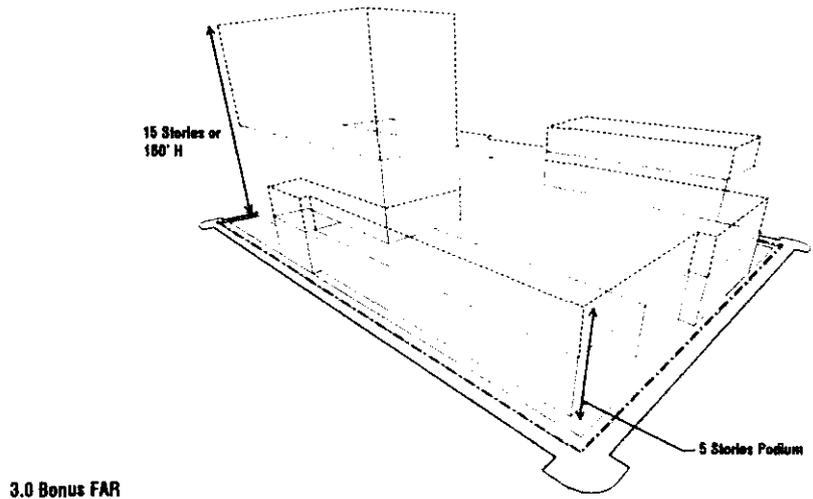
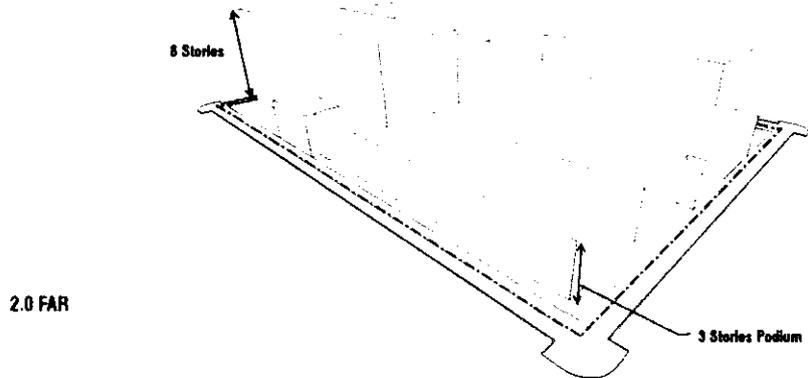
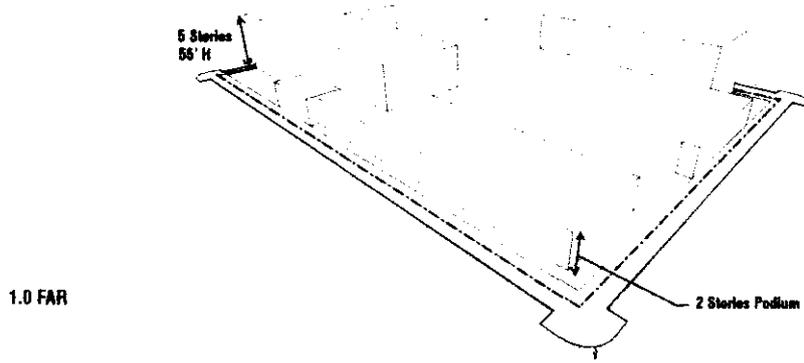
C. MARKET STATION TOD BUILDING HEIGHTS PLAN

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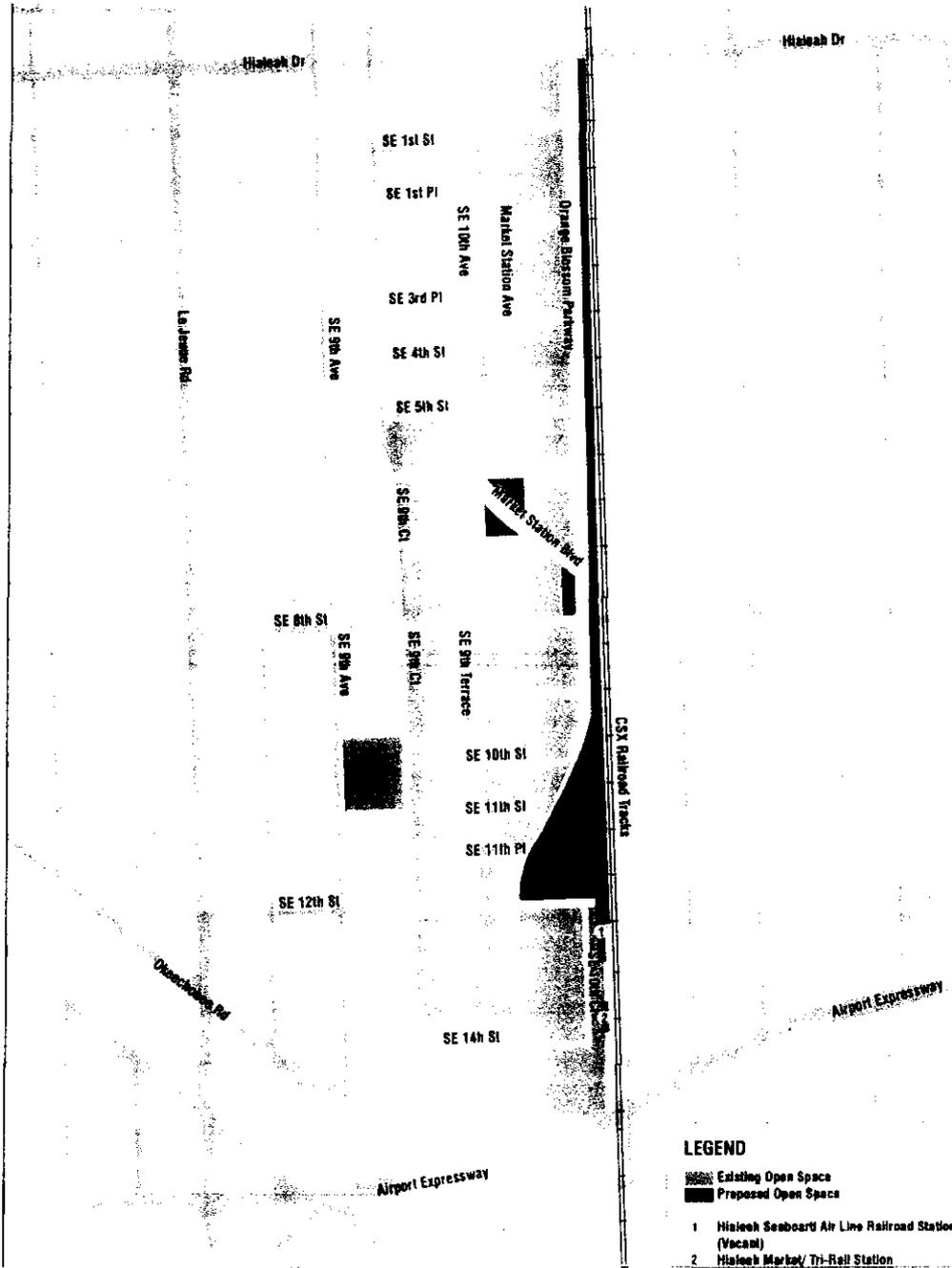


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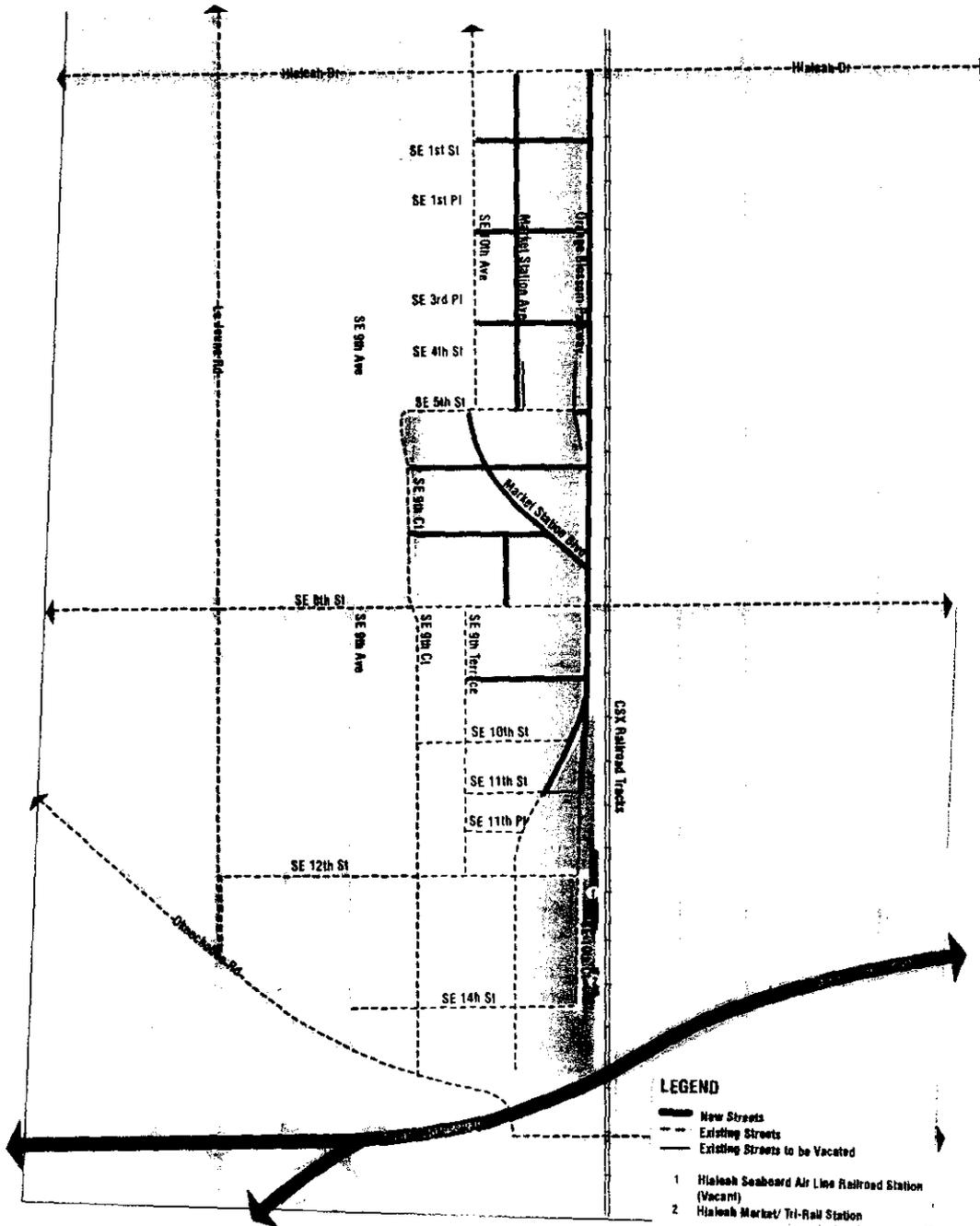
D. MARKET STATION TOD DESIGNATED OPEN SPACE PLAN

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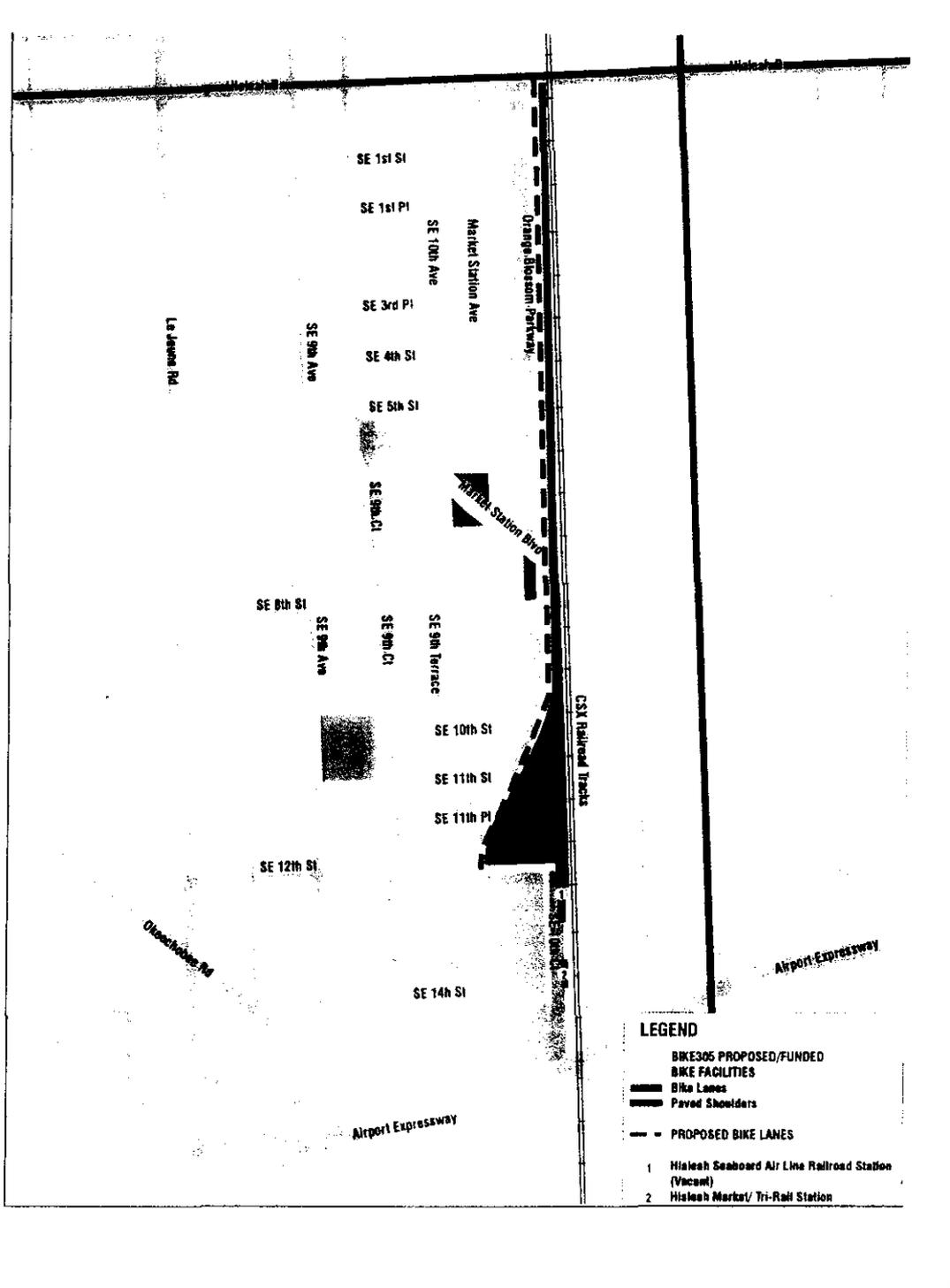
E. MARKET STATION TOD NEW STREETS PLAN

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F. MARKET STATION TOD TRANSIT / BIKE ROUTE PLAN

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**Sec. 98.1360.39 Implementation concepts.**

The concepts of the district shall be as follows:

- (a) *Make pedestrians a high priority.* Promote an active urban environment with a mix of uses supporting daytime and nighttime activities. Enhance the open network of smaller blocks and provide increased access through new sidewalks, paseos and public alleys. Provide a tree canopy planted along sidewalks or medians to create shade from the sun and more attractive streets or sidewalks.
- (b) *Improve pedestrian corridors.* Improve commercial facades to increase pedestrian comfort and safety through enhanced lighting and landscaping. Improve the network of secondary pedestrian corridors in order to extend existing patterns of pedestrian travel. Create a sense of enclosure and urban character through street facade.
- (c) *Aggregate open space for squares, plazas, passive parks and other public open spaces.* Promote activity and natural surveillance by providing plazas and squares, open to the public and level with the grade of the sidewalk. Create a legible network of open spaces by waiving minimum open space requirements on specific lots or parcels in exchange for a credit to develop larger open public spaces.
- (d) *Extend transit, at a variety of scales and modes of travel.* Implement a circulator system, such as a local bus system, to be used for local service and to connect to the regional system. Increase transit ridership on circulator and Tri-Rail to facilitate growth and mobility without unmanageable traffic congestion.
- (e) *Attack visual blight.* Promote infill development along the edges of blocks to define street space. Inventory vacant or underutilized lots and provide incentives for development. Utilize code enforcement procedures to compel compliance from property owners who have neglected the appearance of their property. Enforce building codes to ensure applicable minimum standards for older buildings.
- (f) *Promote civic uses.* Encourage public access and participation by providing cultural performances, gatherings and displays for education and enlightenment, and pedestrian amenities.

**Sec. 98-1630.40 Design and Architectural Guidelines.**

To retain the original transit-oriented character of the Market Station TOD District, architectural elements as provided in this section shall be required. New development within the Market Station TOD District shall, to the greatest extent practicable, utilize the following architectural elements illustrated herein:

- (1) *Materials.* For small scale retail building facades and large, uninterrupted volumes of retail in the Market Station TOD 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 is discouraged.
- (2) *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

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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.

- (3) *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 Market Station TOD District, at least one architectural element shall be repeated to minimize the facade's scale. This could be a material module change, 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.
- (4) *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.
- (5) *Planar Breaks.* For building frontages greater than 150', no facade 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.
- (6) *Shadows.* Changes in plane around windows and entrances are encouraged to highlight building openings and access points for pedestrians.
- (7) *Awnings, Arcades, and Colonnades.* Awnings or arcades 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, fixed, cantilevered, open or closed sided, and open-sided with a valance drop. Creative uses of materials is encouraged. Awnings shall be generally consistent in height and depth to create a canopy of shade.
- (8) *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.
- (9) *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.
- (10) *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

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transparency when stores are closed. This will enable window shopping and activate the street during non-business hours.

- (11) **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 uplighting 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.
- (12) **Storefront Lighting.** Illuminate signs, entrances, window displays and interiors at varying levels of brightness.
- (13) **Building Tops.** Residential towers shall have distinctive building tops or finials whenever possible.
- (14) **Parking Garage Roof.** Uncovered parking garage roofs shall be concealed with creative, colored surfaces and landscaping.
- (15) **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.
- (16) **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.
- (17) **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.
- (18) **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 fences, fences and/or gates are prohibited. Commercial loading areas, recycling areas, and trash and garbage containers shall be located away from residential units.
- (19) **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. 98-1630.41 Limited Expansion of Market Station TOD District regulations subject to special use permit.**

Market Station TOD District regulations may extend, subject to a grant of a special use permit by ordinance, to properties that are activity node areas, having a land use classification of commercial, medium density residential or high density residential situated on a corner with a minimum site area of 20,000 square feet and with a minimum street frontage of 200 feet facing at least one right-of-way.

**Sec. 98-1630.42 Administrative site plan review and demolition and construction schedule.**

Administrative site plan review for conformity with these district regulations shall be required. In order to avoid real estate speculation and delay, it is required, as part of site plan review and approval, that the property owner provide a time schedule that identifies a date for demolition of existing structures, if anticipated, a date for issuance of the building permit for new construction or remodeling and a completion date for the construction specified in the site plan. The time schedule shall be based on reasonable projections that demonstrate the property owner's intent to immediately develop the property according to Market Station TOD District regulations for occupancy.

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**Sec. 98-1630.43 General guidelines of Crime Prevention through Environmental Design (CPTED)**

The Market Station TOD District shall promote Crime Prevention through Environmental Design ("CPTED") through proper design and effective use of the built environment in order to lead to safety outcomes and resulting reduction in the fear and incidence of crime, and an improvement in the quality of life. CPTED involves the design of a physical space so that it enhances the needs of bona fide users of the space. This emphasis on design and use deviates from the traditional "target hardening" approach to crime prevention.

For CPTED to be successful, it must be understandable and practicable for the normal users of the space. The Market Station TOD District shall implement CPTED's five overlapping principles to be applied throughout the District to specific sites and situations.

**1. Territoriality.** Territoriality is a concept that clearly delineates private space from semi-public and public spaces, and creates a sense of ownership. Ownership thereby creates an environment where appearance of such strangers and intruders stand out and are more easily identified through:

- a. *The enhanced feeling of legitimate ownership by reinforcing existing natural surveillance and natural access control strategies with additional symbolic or social ones.*
- b. *The design of space to allow for its continued use and intended purpose.*
- c. *The use of pavement treatments, landscaping, art, signage, screening and fences define and outline ownership of space.*

**2. Natural Surveillance.** Natural surveillance is a design concept directed primarily at keeping intruders under observation. Provision of natural surveillance helps to create environments where there is plenty of opportunity for people engaged in their normal behavior to observe the space around them. Areas can be designed so they are more easily observed through:

- a. *Design and placement of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, refuse containers, walkways, guard gates, landscape trees and shrubs, use of wrought iron fences or walls, signage and other physical obstructions.*
- b. *Placement of persons or activities to maximize surveillance possibilities.*
- c. *Minimum maintained lighting standards that provide for nighttime illumination of parking lots, walkways, entrances, exits and related areas to promote a safe environment.*

**3. Access Control.** Access control is a design concept directed primarily at decreasing criminal accessibility. Provision of natural access control limits access and increases natural surveillance to restrict criminal intrusion, especially into areas where they will not be easily observed. When present, intruders are more readily recognized through:

- a. *The use of sidewalks, pavement, gates, lighting and landscaping to clearly guide the public to and from entrances and exits.*
- b. *The use of gates, fences, walls, landscaping and lighting to prevent or discourage public access to or from dark or unmonitored areas.*

**4. Activity Support.** Activity support is the presence of activity planned for the space. Activity support involves placing activity where the individuals engaged in an activity will become part of the natural surveillance system. Examples include:

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- a. Place safe activities in areas that will discourage would be offenders, to increase the natural surveillance of these activities and the perception of safety for normal users, and the perception of risk for offenders.*
- b. Place high risk activities in safer locations to overcome the vulnerability of these activities by using natural surveillance and access control of the safe area.*
- c. Locate gathering areas in locations that provide for natural surveillance and access control or in locations away from the view of would-be offenders.*
- d. Improve the scheduling of space to allow for effective use and appropriate intensity of accepted behaviors.*

**5. Maintenance.** Proper maintenance of landscaping, lighting treatment and other features can facilitate the principles of CPTED, territorial reinforcement, natural surveillance and natural access control. Functions include:

- a. Proper maintenance of lighting fixtures to prescribed standards.*
- b. Landscaping which is maintained at prescribed standards.*
- c. Minimizing the conflicts between surveillance and landscaping as the ground cover, shrubs and trees mature.*

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