

ORDINANCE NO. 2018-100

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REVISING THE HIALEAH, FLA., LAND DEVELOPMENT CODE TO REFLECT PERTINENT CHANGES TO THE HIALEAH CODE AND RELEVANT CHANGES IN STATE LAW ENACTED SINCE THE DATE OF THE LAST REVISION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE HIALEAH, FLA., LAND DEVELOPMENT CODE AND THE HIALEAH CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 22, 2018 recommended approval of this ordinance; and

WHEREAS, the purpose and intent of this ordinance is to revise the Hialeah, Fla., Land Development Code to reflect changes in the planning regulations and policies, Hialeah Code and Florida law enacted since the last revision pursuant to Hialeah, Fla., Ordinance 13-54 (Sept. 13, 2013); and

WHEREAS, the incorporation of these changes are required so that provisions of the Hialeah, Fla. Land Development Code correspond to the existing Hialeah Code provisions to provide a uniform set of land development regulations.

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

Section 1: The Hialeah, Fla., Land Development Code as incorporated in the Code of Ordinances of the City of Hialeah, Florida is hereby revised and amended to read as follows:

PART III

LAND DEVELOPMENT CODE

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REGULATION NO. 1 - LAND DEVELOPMENT PROCEDURES

Sec. 1-2. - Procedures for applications for development orders.

(a) Applications for changes of comprehensive plan amendments. Changes of land use classifications are to be considered comprehensive plan amendments. The procedures for applications for comprehensive plan amendments, including future land use map amendments, are governed by Hialeah Code sections 98-37, 98-102 and 98-103 and division 6 of article II of chapter 98, as amended, Hialeah Charter § 4.07(a)(3), as amended, Hialeah Code article VII of chapter 98, as amended, F.S. §§ 163.3184 and 163.31897, as amended, and administrative rules promulgated pursuant to F.S. ch. 163, part II, and policies and procedures established by the planning and development department.

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Sec. 1-10. – Development Agreements.

(a) Authority. The city may consider and enter into development agreements with any person having a legal and equitable interest in real property located within its jurisdiction in accordance with the Florida Local Government Development Agreement Act, as provided in F.S. §§ 163.3220—163.3243, as amended.

(b) Definition. A development agreement is an agreement entered into pursuant to the Florida Local Government Development Agreement Act between the city, as a local government, and a developer regarding development of a particular parcel of land. A development agreement shall not exceed thirty ~~en~~ 30 years in duration, unless extended by mutual consent of the city and the developer, subject to a public hearing in accordance with F.S. § 163.3225. No development agreement shall become effective or implemented by the city unless ~~the department of community affairs finds the agreement,~~ the Hialeah Comprehensive Plan and plan amendments implementing or

related to the agreement ~~are to be~~ in compliance with the provisions of F.S. § 163.3184, 163.3187 or 163.3189, as amended.

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REGULATION NO. 2. - USES OF LAND AND WATER

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Sec. 2-2. - Relationship between land use classifications and zoning districts or designations.

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TABLE 1. RELATIONSHIP BETWEEN LAND USE CLASSIFICATIONS AND ZONING DISTRICTS

Future Land Use Map Classification	Zoning District
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* * *

Commercial	
	C-4 commercial district
	<u>CDH Commercial Development District</u>
	CRMU commercial-residential mixed use (overlay district)

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Industrial	
	<u>Alwod Artist Live/Work Overlay District</u>
	BDH business development district
	<u>NBD neighborhood business district (overlay district)</u>

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<u>Transit Oriented Development District</u>	<u>TOD</u>
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REGULATION NO. 9. TRAFFIC CRITERIA

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Sec. 9-3. - Traffic flow and vehicle parking.

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(d) *Minimum required off-street parking spaces.* Off-street parking shall be provided in accordance with the following minimum standards. If a calculation of minimum required parking spaces results in a number with a fraction, then the next higher whole number shall be considered the proper calculation. Garages shall not be included in any calculation of minimum required parking spaces.

(3) *BDH business development district.* For warehouse distribution buildings, which shall be defined as storage buildings for a variety of goods involved in local, interstate and international shipping, shall provide one (1) parking space for each one thousand (1,000) square feet of gross floor area in the building up to ten thousand (10,000) square feet and then one (1) space for each two thousand (2,000) square feet of gross warehouse floor area thereafter. For the gross floor area that is used as offices or other commercial

uses, not exceeding 10% of the total area of each warehouse bay or unit, one (1) parking space for each three hundred (300) square feet of gross floor area of such building or fractional part thereof. And, one (1) parking space for each two hundred (200) square feet of gross floor area or fractional part thereof for office and retail areas exceeding 10% of the total area of the warehouse bay or unit.

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(34) *Convention halls, private clubs, dance, karate, and aerobics schools, health/exercise studios, gymnasiums, bowling alleys, skating rinks, gun ranges, tennis and/or racquetball clubs, theaters, including movie theaters, auditoriums, and other similar places or establishments.* One parking space for each 200 square feet of gross floor area, or fractional part thereof.

(45) *Combined industrial and office uses contained in buildings with storefront facades and overhead doors.* One parking space for each 200 square feet of gross floor area counted for 50 percent of the building. One parking space for each 500 square feet of gross floor area counted for the remaining 50 percent of the building. For second floor office space: One parking space for each 250 square feet of gross floor area. For second floor storage space with finished ceilings less than seven feet six inches in height or no less than six feet eight inches in height, if there is any projection from the ceiling: One parking space for each 2,000 square feet of gross floor area. If office space is less than ten percent of the total square footage of the building, then minimum parking spaces will be calculated as a manufacturing and industrial use. The property owner of a proposed development shall sign a declaration of restrictive covenants and such declaration shall be filed in the county public records in a form acceptable to the city identifying the percentages of designated office space or other commercial uses and the industrial uses that would be permitted according to the available parking spaces. Such declaration shall be filed prior to issuing any building permits if minimum parking spaces are calculated according to the paragraph. If the property owner increases office space or intensifies the commercial use requiring additional parking spaces that deviates from the declaration without consent of the city council, then the property owner must satisfy the minimum parking requirements for the entire property or development as if it were utilized for office space or commercial uses. Under such circumstances, if a parking variance were granted based on the declaration of restrictive covenants, then the property

owner consents to the repeal and rescission of the parking variance.

(56) *Combined industrial and office uses contained in buildings with storefront facades and overhead doors-annexation area.* For the gross floor area that is used as offices or other commercial uses, one parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building, and one parking space for each 500 square feet of the remaining floor area. For the gross floor area that is used for manufacturing and industrial uses, one parking space for each 750 square feet, or fractional part thereof. Parking spaces under the building shall not be considered in the calculation of floor areas. The property owner of a proposed development shall sign a declaration of restrictive covenants and such declaration shall be filed in the county public records in a form acceptable to the city identifying the percentages of designated office space or other commercial uses and the industrial uses that would be permitted according to the available parking spaces. Such declaration shall be filed prior to issuing any building permits if minimum spaces are calculated according to this paragraph. If the property owner increases office space or intensifies the commercial use requiring additional parking spaces that deviates from the declaration without the consent of the city council, then the property owner must satisfy the minimum parking requirements for the entire property or development as if it were utilized for office space or commercial uses. Under such circumstances, if a parking variance were granted based on the declaration of restrictive covenants, then the property owner consents to the repeal and rescission of the parking variance.

(67) *Commercial uses, not found elsewhere herein.* One parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building, and one parking space for each 500 square feet of the remaining floor area. Parking spaces under the building shall not be considered in the calculation of floor areas.

(78) *Carwashes.* Three parking spaces for customer parking for manual carwashes. Mechanical carwash facilities shall comply with minimum parking requirements for "commercial uses, not found elsewhere herein."

(89) *Day care centers, child care facilities, kindergarten and preelementary schools.* One parking space for each 400 square feet of gross floor area. Safe and convenient ingress and egress to the center, facility or school, including a dropoff area, is required.

~~(910)~~ *Elementary, middle and high schools, postsecondary schools, colleges, vocational or trade schools.* One parking space for each 200 square feet of gross floor area of the floor with the greatest area and one parking space for each 400 square feet of all other floors. Housing facilities on college campuses must provide off-street parking of one parking space for every two residents.

~~(1011)~~ *Establishments serving food, liquor or refreshments, including restaurants, banquet halls, lounges, nightclubs or other similar places.*

a. If dancing is not permitted or if live entertainment is not provided, then one parking space for each 150 square feet of gross floor area is required.

b. If dancing is permitted or live entertainment is provided, then one parking space for each 100 square feet of gross floor area is required.

~~(1112)~~ *Flea markets, swap meets, open air markets and bazaars.* One parking space for each 100 square feet of selling area designated on the approved site plan. Operators shall provide pedestrian and vehicular traffic control during the hours of operation.

~~(1213)~~ *Hospitals.* One parking space for every patient bed and one parking space for each 2,000 square feet of gross floor area. Beds in infant nurseries shall not be counted as patient beds.

~~(1314)~~ *Hotels, motels, roominghouses and transient accommodations.* One and one-fifth parking spaces for each living unit.

~~(1415)~~ *Libraries, galleries and museums.* One parking space for each 200 square feet of gross floor area.

~~(1516)~~ *Manufacturing and industrial use.* One parking space for each 1,000 square feet, or fractional part thereof, of gross floor area. In the annexation area, one parking space for each 750 square feet, or fractional part thereof, of gross floor area. Parking spaces located within a building shall not be considered as required off-street parking, except as provided in automotive uses in industrial zoning districts or areas.

~~(1617)~~ *NBD neighborhood business district.*

a. *Residential uses.* Parking for residential uses shall be two parking spaces for one or two bedrooms, and one-half parking spaces for each additional bedroom. An additional one-quarter parking space for each dwelling unit shall be provided for guest parking.

b. *Commercial uses.* The parking requirements for commercial uses as designated in this section shall apply except that vocational schools and post-secondary schools shall provide one parking space for every 150 square feet of gross floor area.

~~(1718)~~ *Places of worship.* One parking space for each 40 square feet of gross floor area of the main auditorium (sanctuary), chapels and other rooms used for general assembly and recreation, and classrooms. In commercial zoning districts, exclusive of OPS (office and professional services), CBD (central business district) and C-R (commercial-residential) districts, the minimum number of parking spaces may be satisfied by the general requirements for commercial uses if the auditorium or sanctuary space is used at a time outside the regular hours of operation of the property. In industrial zoning districts, the minimum number of parking spaces may be satisfied by the general requirement for industrial uses if the auditorium or sanctuary space is used at a time outside the regular hours of operation of the property.

~~(1819)~~ *Recreational and commercial-recreation uses.* One parking space for each 200 square feet of gross floor area.

~~(1920)~~ *Residential developments.*

a. *Low density.* Two parking spaces for each dwelling unit.

b. *Medium and high density.* Two parking spaces for one or two bedrooms; and one-half parking space for each additional bedroom.

c. *Apartment buildings in R-3-D (multifamily) zoning districts.* One and one-half parking spaces for each dwelling unit for the first 15 units counted and 1.20 parking spaces for each additional dwelling unit.

~~(2021)~~ *Self-storage facilities.* One parking space for each 4,000 square feet of gross floor area, with a minimum of five parking spaces, regardless of the size of the self-storage facilities. The minimum distance separation between facades of different buildings used as self-storage facilities or structures, separated by parking areas, shall be 30 feet.

~~(2122)~~ *Residential office.* One parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building, and one parking spaces for each 500 square feet of the remaining floor area. Parking spaces under the building shall not be considered in the calculation of floor areas. All parking shall be located in the rear of the property. Parking located in the

front of the property shall only be provided by the grant of a variance permit.

~~(2223)~~ *Residential care, treatment and convalescent home uses, including assisted living facilities, community residential homes and residential care and treatment facilities.* One parking space for every three patient beds.

~~(2324)~~ *Central business district (CBD) and commercial-residential (C-R) zoning districts:*

a. *Automotive uses.* One parking space for each 500 square feet of gross floor area.

b. *Convention halls, private clubs, dance, karate and aerobics schools, health/exercise studios, gymnasiums, bowling alleys, skating rinks, gun ranges, tennis and/or racquetball clubs, theaters, including movie theaters, auditoriums, and other similar places or establishments.* Same as general requirements.

c. *Commercial uses, not found elsewhere herein.* One parking space for each 550 square feet of gross floor area.

d. *Day care centers, child care facilities, kindergarten and preelementary schools.* One parking space for each employee and one parking space for visitor parking. Safe and convenient ingress and egress to the center, facility or school, including a dropoff area, is required.

e. *Elementary, middle and high schools, postsecondary schools, colleges, vocational or trade schools.* Same as general requirements.

f. *Establishments serving food, liquor or refreshments, including restaurants, banquet halls, lounges, nightclubs or other similar places.* Same as general requirements.

g. *Hotels, motels and transient accommodations.* One parking space for each of the first 40 living units counted and one parking space for every two additional living units.

h. *Libraries, galleries and museums.* One parking space for each 400 square feet of gross floor area.

i. *Places of worship.* One parking space for each 40 square feet of gross floor area of the main auditorium (sanctuary), chapels, and other rooms used for general assembly and recreation, and classrooms.

j. *Mixed commercial-residential use.* The parking spaces required for the residential component shall be governed by the requirements of the R-3-D (multifamily) zoning district and the

parking spaces for the commercial component shall be governed by one-half of the CBD (central business district) zoning district requirements for the applicable commercial uses.

k. *Governmental offices.* One parking space for each 550 square feet of gross floor area.

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(q) *Miscellaneous provisions.*

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(6) Private roads shall not be allowed in any zoning district within the city; except that private internal roads shall be allowed in a residential development district located in Hialeah Heights subject to site plan approval.

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REGULATION NO. 10 SUBDIVISION OF LAND

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Sec. 10-3. – Plats and platting procedure.

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

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(d) *Flood hazard disclosure.* All subdivision plats shall include an engineer's or surveyor's statement as to which lots, if any, are partially or completely located in an area of special flood hazard identified pursuant to the National Flood Insurance Act of 1968, as amended from time to time.

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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 violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Hialeah, Fla., Land Development Code and Hialeah Code.

The provisions of this ordinance shall be included and incorporated in the Hialeah, Fla., Land Development Code and 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 Hialeah, Fla., Land Development Code and the Hialeah 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 when 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 September, 2018.

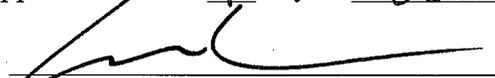
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

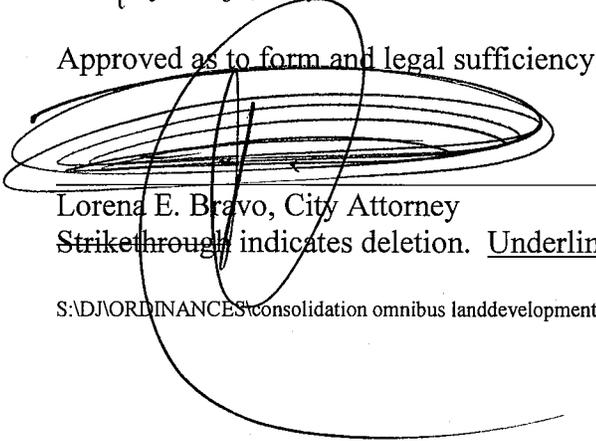
Attest:


Marbelys Fatjo, City Clerk

Approved on this 1 day of October, 2018.


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casáls-Munoz, Hernandez, Caragol, and Cueva voting "Yes" and Garcia-Martinez absent.

Strikethrough indicates deletion. Underline indicates addition.