

ORDINANCE NO. 2018-145

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA CREATING SECTION 98-1607.3 RH-CD-MIXED USE MULTIPLE FAMILY DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, IN CHAPTER 98 ENTITLED "ZONING", ARTICLE V. "ZONING DISTRICT REGULATIONS", DIVISION 29. HIALEAH HEIGHTS, PROVIDING A PURPOSE; SITE AND DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of November 14, 2018 recommended approval of this ordinance; and

WHEREAS, the intent of the Hialeah Heights RH-CD-Mixed Use Multiple Family District is to allow medium density residential developments (up to 24 units per acre) within horizontal mixed use developments in the Hialeah Heights Commercial Development District; and

WHEREAS, the purpose of this type of mixed use is to promote the integration of uses in order to reduce vehicular trips, share parking and promote pedestrian activity through zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community.

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

Section 1: Chapter 98, entitled "Zoning", Article V, Zoning District Regulations, Division 29, Hialeah Heights, is amended by creating Section 98-1607.3 RH-CD-Mixed Use Multiple Family District to the code of ordinances as follows:

Chapter 98

ZONING

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ARTICLE V. ZONING DISTRICT REGULATIONS

* * *

DIVISION 29. HIALEAH HEIGHTS

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Sec. 98-1607.3 RH-CD- Mixed Use Multiple Family District.

(a) Purpose. The intent of this zoning designation is to allow medium density residential developments (up to 24 units per acre) within horizontal mixed use developments in the Hialeah Heights Commercial Development District. The purpose of this type of mixed use is to promote the integration of uses in order to reduce vehicular trips, share parking and promote pedestrian activity.

(b) Site development. Residential developments shall be designed to create a walkable neighborhood served by a network of pedestrian paths and a central green to accommodate recreational activities.

(c) Connectivity of residential and commercial components. Commercial and residential components shall have a centrally located and clear point of connection in order to make the mix of uses efficient. The residential portion of the development shall be directly connected to the commercial portion through a public space such as a plaza or loggia including walkways, landscaping, lighting and street furniture. When the connection space is adjacent to commercial or service loading areas, the service area shall be completely fenced and screened.

(d) Compatibility of dissimilar uses. To avoid impacts between the residential and commercial components of a horizontal mixed use development, dissimilar uses shall be separated with a concrete wall of no less than 8 feet high with an adjacent landscape buffer of no less than 20 feet planted with canopy trees and profuse landscaping to create a continuous visual and sound barrier.

(e) Permitted uses. Multifamily rental dwellings and ancillary amenities such as club houses, playgrounds gyms, sports facilities or community swimming pools. Multifamily dwellings shall be subject to a declaration of restrictions.

(f) Development standards.

(1) Development access. Vehicular access to residential clusters shall have a controlled access gate to clearly segregate parking of the residential units from the commercial development general parking.

(2) Screening of mechanical units. All mechanical units and installations of any type shall be screened from public view, with cohesive elements that complement the building design . Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. When roof decks with mechanical units are visible from adjacent developments, mechanical units shall be screened and painted to match the finish of the roof material.

(3) Stormwater retention area. Stormwater retention areas shall be designed to create a feature within the development rather than a residual area. Examples of features are landscaped dry ponds utilized as termination vistas, dry ponds improved with wood trails and ponds surrounded by walking paths.

(4) Underground utilities. All new utilities including, but not limited to, utilities required for electric power distribution, telephone, communication, street lighting and television service shall be installed underground except when environmental or landfill site conditions prevent or impair such installation. Existing overhead utilities shall be replaced with underground utilities. The existing overhead electrical transmission lines that front NW 97 Avenue may remain in place.

(g) Elevations.

(1) The primary public entry to a building shall be through a lobby and the architecture shall emphasize the front entrance. Facade design that will not produce a large expanse of blank or undifferentiated walls is required.

(2) Architectural details and materials shall be consistent throughout a building on all facade elevations visible from the streets or internal driveways.

(3) Placement of doors and windows shall be balanced and aligned horizontally and vertically.

- (4) Freestanding canvas-roofed carports and aluminum-roofed carports or terraces attached to a building are prohibited.
- (5) Awnings covering upper story windows are prohibited.
- (6) The city shall consider and approve, if acceptable, color of buildings during site plan review. The city encourages a diverse palette of compatible colors.
- (h) *Building height.* Building height shall be measured from the crown of the road to the cornice line or top of the parapet. The maximum building height shall be 5 stories.
- (i) *Floor area.* Ninety percent of the units shall have a minimum floor area of 700 square feet and ten percent of the units may have a minimum floor area of 500 square feet.
- (j) *Building Setbacks*
- (1) 20 feet minimum setback along public edges and interior edges is required.
- (k) *Landscape Buffers.*
- (1) *Public edges.* Frontage along streets or driveways intended for vehicular and pedestrian circulation are required to have a minimum landscape buffer of 7 feet.
- (2) *Interior edges.* Interior edges adjacent to commercial uses are required to have a minimum landscape buffer of 20 feet as provided in section b above.
- (l) *On site minimum parking requirements.* The required parking ratio is notably inferior to general city standards because after-hours shared use of commercial parking within the mixed use development is expected. Accordingly, a parking agreement for the commercial portion of the mixed use development recorded in the public records shall be submitted prior to site plan approval. The parking requirement in this section does not include handicap stalls. Handicap stalls shall be provided as required by accessibility codes and will not be counted toward the minimum parking requirement.

No variance shall be allowed for the following:

- (1) One bedroom units: 1.5 parking spaces for each unit.

- (2) Two-bedroom and three-bedroom units: 2 parking spaces for each unit.
- (3) Guest parking spaces: 1 parking space every five units is required for guests.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

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

Section 4: Inclusion in Code.

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

Section 5: Severability Clause.

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

Section 6: Effective Date.

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

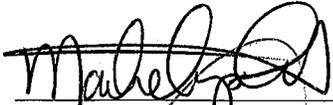
PASSED and ADOPTED this 11 day of December, 2018.

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:

Approved on this 3 day of January, 2018 ⁹ @


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

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Ordinance was adopted by a 7-0 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Caragol, Cue-Fuente, Hernandez, voting "Yes.