

**ORDINANCE NO. 2018-148**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING SECTION 98-1630.2 ENTITLED BUILDING USES OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH IN CHAPTER 98, "ZONING", ARTICLE V. ENTITLED "ZONING DISTRICT REGULATIONS", DIVISION 33, NBD NEIGHBORHOOD BUSINESS DISTRICT;; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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, entitled "Zoning District Regulations", Division 33, NBD Neighborhood Business District, Section 98-1630.2 entitled Building Uses, of the Code of Ordinances is hereby amended as follows:

**Chapter 98**

**ZONING**

\* \* \*

**ARTICLE V. ZONING DISTRICT REGULATIONS**

\* \* \*

**DIVISION 33, NBD NEIGHBORHOOD  
BUSINESS DISTRICT**

\* \* \*

Sec. 98-1630.2 Building Uses.

Retail and professional uses shall be allowed only on the ground level of any building in mixed-use buildings. Office uses shall be allowed on all levels. Residential uses shall be allowed above the ground level only. Each residential unit shall have minimum of 850 square feet, except that ten percent of residential units may have a minimum of 600 feet for studios or one bedroom units. Government owned or managed affordable housing is exempt from the minimum area requirement.

\* \* \*

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

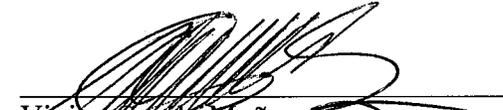
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Approved on this 3 day of January, 2018. <sup>9</sup>(M)

Attest:

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

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

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

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

Strikethrough indicates deletion. Underline indicates addition.

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