

ORDINANCE NO. 2019-008

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING 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 BY ALLOWING UP TO 32 UNITS PER GROSS ACRE; PROVIDING A PURPOSE; SITE AND DEVELOPMENT STANDARDS; REPEALING; AND 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 January 9, 2019, recommended approval of this ordinance; and

WHEREAS, the Planning and Zoning Board at its meeting of November 14, 2018 recommended approval of Ordinance No. 2018-145, which must now be amended to address the number of units per acre; and

WHEREAS, the intent of the Hialeah Heights RH-CD-Mixed Use Multiple Family District is to allow high density residential developments (up to 32 units per gross 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

* * *

ARTICLE V. ZONING DISTRICT REGULATIONS

* * *

DIVISION 29. HIALEAH HEIGHTS

* * *

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

(a) *Purpose.* The intent of this zoning designation is to allow high density residential developments (up to 2432 units per gross 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.

* * *

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 12 day of February, 2019.

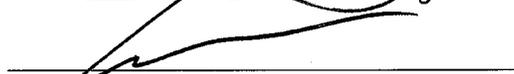
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

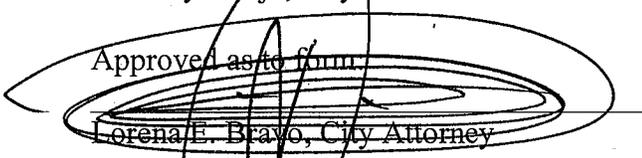

Vivian Casals-Munoz
Council President

Attest:

Approved on this 19 day of February, 2019.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:

Lorena E. Bravo, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

C:\Users\djove\Documents\Ordinance amending from 24 to 32 acres allowed for 1607.3 CDH RH-CD- MIXED USE MULTIPLE FAMILY DISTRICT.docx

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