

ORDINANCE NO. 2020-058

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; AMENDING ITS PURPOSE TO APPLY TO PROPERTIES WITHIN ONE-QUARTER MILE OF THE HIALEAH HEIGHTS COMMERCIAL DISTRICT; AMENDING DEVELOPMENT STANDARDS TO PROVIDE THAT RESIDENTIAL DEVELOPMENTS WITHIN A QUARTER MILE OF THE DISTRICT ARE SUBJECT TO APPROVAL BY CONDITIONAL USE PERMIT; AND AMENDING THE PARKING FOR PROPERTIES WITHIN A QUARTER MILE RADIUS OF THE HIALEAH HEIGHTS COMMERCIAL DEVELOPMENT DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of September 9, 2020, recommended approval of this ordinance; and

WHEREAS, the purpose of this amendment is to allow a 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, Section 98-1607.3 RH-CD-Mixed Use Multiple Family District is amended 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 32 units per acre) within horizontal mixed use developments in the Hialeah Heights Commercial Development District and on properties located within a quarter mile of 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.

* * *

- (f) Development standards.

(5) Residential developments within a quarter mile of the Hialeah Heights Commercial Development District are subject to the approval of a Conditional Use Permit. The purpose of the conditional use permit is to evaluate the traffic impacts of the proposed development, the vehicular and pedestrian connectivity to the commercial portion of the mixed use district and the compatibility with dissimilar uses.

* * *

- (m) On site minimum parking requirements for properties within a quarter mile radius of the Hialeah Heights Commercial Development District.

No variance shall be allowed for the following:

- (1) One bedroom units: Two parking spaces for each unit.
- (2) Two-bedroom and three-bedroom units: Two parking spaces for each unit.
- (3) Guest parking spaces: One parking space every four units is required for guests.
- (4) Handicap stalls shall be provided as required by accessibility codes and will not be counted toward the minimum parking 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 13 day of October, 2020.



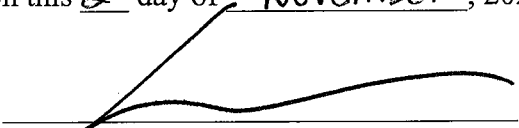
Paul B. Hernandez
Council President

Attest:

Approved on this 2 day of November, 2020.

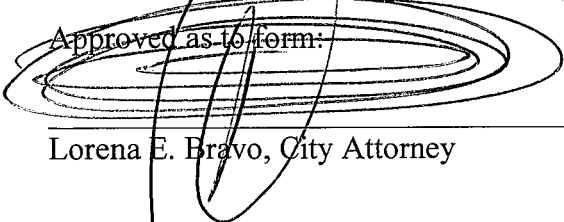


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 7-0 vote with Councilmembers, Cue-
Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor and
Zogby voting "Yes."

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