

ORDINANCE NO. 2021-080

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. "ZONING DISTRICT REGULATIONS", DIVISION 34. "HPD HIALEAH PARK DISTRICT"; AMENDING SECTION 98-1630.10 - "PURPOSE", SECTION 98-1630.11 - "GEOGRAPHIC AREA", SECTION 98-1630.13 - "PERMITTED USES, LIMITATIONS AND PROHIBITIONS", SECTION 98-1630.15 - "SITE DEVELOPMENT PLAN APPROVAL; AND CREATING SECTION 98-1630.16 - "HIALEAH PARK DISTRICT - PHASE I DEVELOPMENT STANDARDS"; HEREBY APPROVING THE PATTERN BOOK ENTITLED "THE RESIDENCES AT HIALEAH PARK", AS PREPARED BY CIVICA ARCHITECTURE AND ALBERT O. GONZALEZ ARCHITECT, P.A., AND DATED JULY 2021, WHICH SHALL BE ON FILE WITH THE CITY CLERK; 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 July 21, 2021, recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this amendment is to provide and promote the integration of uses in the HPD District, and promote redevelopment through zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community; and

WHEREAS, the specific purpose and intent of this ordinance is to amend the HPD Hialeah Park District zoning development regulations in order to incorporate pertinent updates, and the incorporation of 'Hialeah Park District - Phase I Development Standards', promoting the City's vision for the development of this geographic area into a cohesive, interrelated mixed-use project.

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 34 - "HPD Hialeah Park District" of the Code of Ordinances of the City of Hialeah is hereby amended and updated as follows:

Chapter 98

ZONING

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ARTICLE V. "ZONING DISTRICT REGULATIONS"

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DIVISION 34. HPD HIALEAH PARK DISTRICT

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Sec. 98-1630.10. - Purpose.

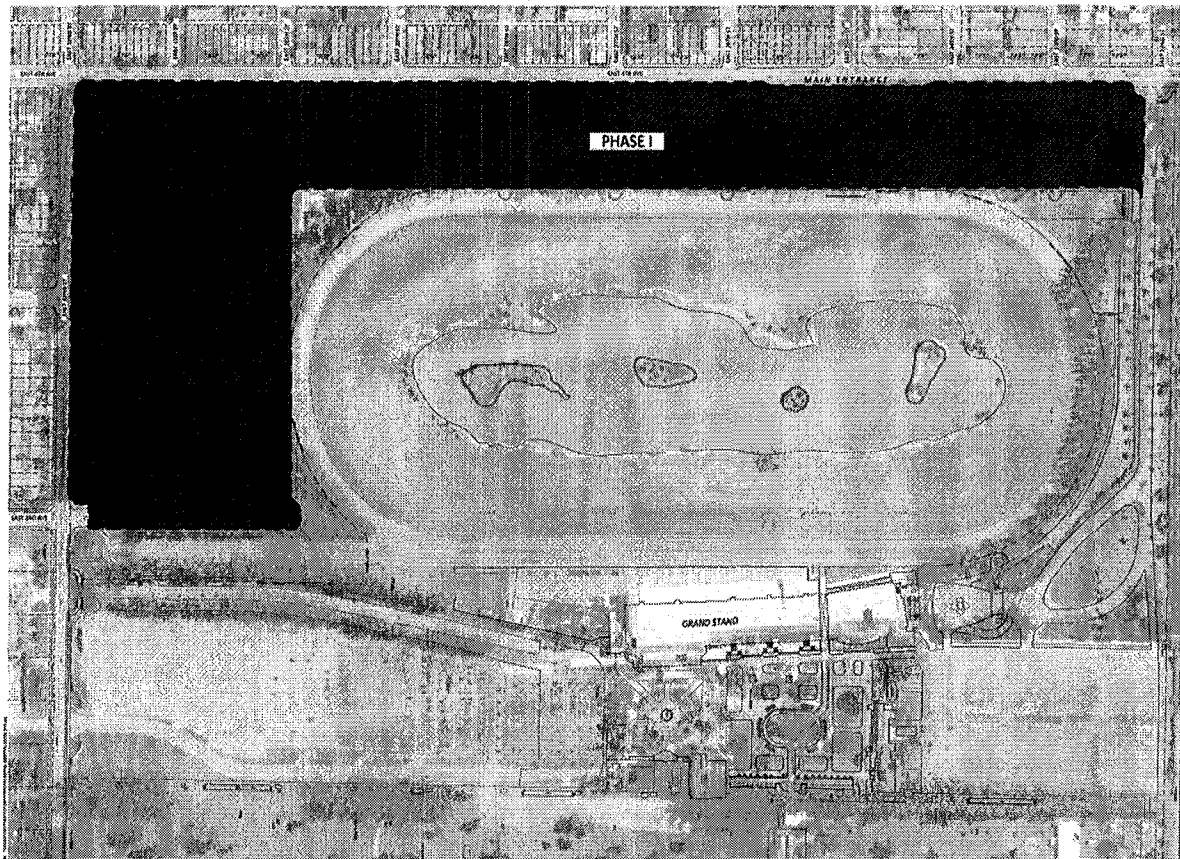
The Hialeah Park District is intended to provide regulations for the use and development of properties within the geographic area that coincide with the land use classification of commercial-recreation in a manner consistent with the preservation of the historic character and uses of Hialeah Racetrack and the municipal vision to develop the geographic area into a cohesive, interrelated mixed-use development with residential uses, educational uses, complementary commercial and town center uses, entertainment uses, and parking facilities. The intent of the HPD district is to foster improved site and architectural design that promotes safe and active pedestrian use and access, enhances the public entertainment venues and ~~encourages~~ regionally-oriented businesses and activities, and encourages a mix of urban neighborhood uses. The HPD district also intends to restrict or prohibit uses and development patterns that conflict, impair or impede the stated purposes herein.

* * *

Sec. 98-1630.11. - Geographic area.

The Hialeah Park District shall comprise the area having East 32 Street as its northern boundary; having East 4 Avenue as its eastern boundary; having East 21 Street as its southern boundary; and having Palm Avenue as its western boundary. More specifically, the geographic boundary of Hialeah Park District - Phase I is depicted in figure 34-1 below:

Figure 34-1 Hialeah Park District - Phase I



* * *

Sec. 98-1630.13. - Permitted uses, limitations and prohibitions.

- (a) The permitted uses of the HPD district for land, buildings, structures and other improvements are the following:
- (1) State-licensed horseracing, including but not limited to, thoroughbred and quarter horse racing, licensed gaming, pari-mutuel wagering, card room activities and such uses allowed by F.S. chs. 849, 550 and 551, as amended from time to time.
 - (2) Professional services and professional offices allowed in the OPS office and professional services district.
 - (3) Permitted uses identified in B-1 highly restricted retail district for retail trade and services, consumer goods (rental), finance and insurance, full-service restaurants including the sale of beer, wine or alcoholic beverages, limited-service restaurants, medical and dental clinics and offices, individual and family services, arts, fitness sports and recreational

instruction, public schools, charter schools, and private schools, colleges or universities but not vocational and technical schools.

(4) Single-family residences, townhouses, and multiple-family dwellings.

(5) Age-restricted communities and senior independent living facilities, which shall be permitted via a Conditional Use Permit. Senior independent living shall be defined as age-restricted residential dwelling units, which primarily focus on the social needs of residents, and where residents do not require assistance with daily living needs. Senior independent living provides residents with a safe living environment, and these facilities do not fall under the state regulatory purview of assisted living facilities and residential care and treatment facilities.

(4) (6) Parking garages and facilities.

(5) (7) Hotels and normal and customary ancillary uses thereto.

(6) (8) Banquet halls, and nightclubs and bars only in connection with the operation of the hotel, gaming and entertainment complexes comprising the racetrack and card rooms.

(7) (9) Cultural facilities, museums, outdoor entertainment venues and freestanding convention and exhibition facilities.

(8) (10) Fitness centers.

(9) (11) Movie theaters, bowling alleys, roller rinks and ice-skating rinks.

(10) (12) Department stores, grocery stores and supermarkets.

(11) (13) Equestrian hospital for the care and medical treatment of horses that race, train or exercise at the racetrack.

(12) (14) An instructional or educational facility for the care and medical treatment of horses.

(b) The following uses are prohibited:

(1) ~~Residential uses except for seasonal employees that are directly involved with the housing, training or caring for horses racing on the premises of the racetrack.~~

(2) (1) Flower, fruit, plant and tree nurseries and garden centers, except as operated in conjunction with home improvement stores; provided, however, the square footage represents no more than 15 percent of the total square footage of floor space under roof.

(3) (2) Hospitals, assisted living facilities and residential care and treatment facilities.

(4) (3) Rooming houses, lodging houses and motels.

- ~~(5)~~ (4) Secondhand (merchandise) dealers or sale or pawn of secondhand goods.
- ~~(6)~~ (5) Dry cleaning establishments where the dry cleaning is performed on the premises or where hazardous materials and flammable solvents are stored or used on the premises.
- ~~(7)~~ (6) Manual and mechanical carwashes except that the hotel may provide concierge services that include a manual carwash inside a garage facility for hotel guests and the racetrack may provide a manual carwash for its patrons subject to site plan review and approval.
- ~~(8)~~ (7) Industrial uses.
- ~~(9)~~ (8) Automotive uses first permitted in the C-1 restricted retail commercial district identified in paragraphs 98-1066(4) and (5).
- ~~(10)~~ (9) Automotive and marine uses first permitted in the C-2 liberal retail commercial district identified in paragraphs 98-1111(23) through (31).
- ~~(11)~~ (10) Funeral homes, funeral viewing services, cemeteries and all related activities.
- ~~(12)~~ (11) Commercial uses first permitted in the C-3 extended liberal commercial district identified in paragraphs 98-1156(2), (3), (4), (6), (7), (8), and (10), and ~~(11)~~.
- ~~(13)~~ (12) Other commercial uses first permitted in the C-2 liberal retail commercial district identified in paragraphs 98-1111(3), (9), (13), (19), (20) and (22).
- ~~(14)~~ (13) Other commercial uses first permitted in the C-1 restricted retail commercial district identified in paragraphs 98-1066(6), ~~(10)~~ and (13).

* * *

Sec. 98-1630.15. - Site development plan approval.

Prior to the issuance of a construction building permit or significant change to the site, the city shall approve a conceptual master plan, including stages of a phased development, if applicable. The conceptual master plan shall include the location of the various proposed uses, frontage delineation, proposed heights, public open spaces, the type and trajectory of the street network. The proposed conceptual master plan shall conform to the recommendations of an historic preservation report approved by the city. If undertaken as a phased development, a pattern book that provides specific development standards and illustrates the design and appearance shall be provided to the city for each respective phase.

In connection with subsequent deviations from respective phase pattern books, and pursuant to 98-258 - 98-261, the administrative variance committee shall have the authority to review requested variations for undeveloped and developed phases not exceeding 20 percent of the

Hialeah Park District ordinance requirements for minimum setbacks; minimum landscaping; maximum size and number of signs; location, type and features of signs; minimum and maximum floor area; maximum lot coverage; maximum height, length and width of buildings; and minimum spacing requirements between principal and accessory buildings without review by the planning and zoning board.

* * *

Sec. 98-1630.16 - Hialeah Park District - Phase I Development Standards.

The purpose of Hialeah Park District - Phase I is to provide residential and educational uses that promote and encourage pedestrian access throughout the Hialeah Park District, and the surrounding community. Development of Hialeah Park District - Phase I is intended to be phased, and Notwithstanding anything to the contrary set forth in 98-1630.14, shall be subject to the following development standards:

(a) Setbacks.

Residential Yards

- (1) East 4 Avenue Setback. Residential structures shall have a required front yard of 8 feet built to line.
- (2) Interior side yard required for East 25 Street, East 22 Street, and East 30 Street. There shall be a required side setback of 7.5 feet.
- (3) Trackside Boulevard Setback required. There shall be a required yard of 7.5 feet from Trackside Boulevard.
- (4) Distance between multiple-family residential buildings. No multiple-family residential building shall be erected or placed upon any distance less than 10 feet from any other multiple-family residential building.
- (5) Porch and Balcony Encroachments. In order to enhance aesthetic design, porches and balconies may encroach a maximum of up to 3.5 feet.

School Yards

- (1) Front yard required (East 32 Street and East 4 Avenue). School structures shall have a required front yard of 10 feet built to line.
- (2) Side yard required (Continuation of East 30 Street down to the connection at East 2 Avenue). There shall be a required side setback of 5 feet.
- (3) Rear Yard required (East 2 Avenue). There shall be a required yard of 7.5 feet at the rear of the property.

- (b) Residential density. Maximum residential density in Hialeah Park District - Phase I shall be 32 units per net acre.
- (c) Height. The maximum height in Hialeah Park District - Phase I shall be 55 feet and 5 stories.
- (d) Lot Coverage. The lot coverage permitted in Hialeah Park District - Phase I shall not exceed 45 percent (45%).
- (e) Pervious area. Developments within Hialeah Park District - Phase I shall have a minimum of 20 percent (20%) of the lot area as pervious or green area.
- (f) Minimum off-street parking requirements.

Residential. 1 parking spaces for one bedroom, 1.75 parking spaces for two bedroom, and 0.5 parking spaces for each additional bedroom. An additional one-quarter (0.25) parking space for each dwelling unit shall be provided for guest parking. The guest parking requirement may be satisfied, in whole or in part, by the operation of valet parking services for residential guests, approved by the city.

School Use. Public and charter schools shall follow the State Requirements for Educational Facilities (SREF) parking requirements. Private schools shall provide parking in accordance with the requirements set forth in section 98-2189 of this Code.

- (g) Hialeah Park District - Phase I Pattern Book. The pattern book as prepared By Civica Architecture and Albert O. Gonzalez Architect, P.A., and dated July 2021, shall be reviewed and approved by the City Council. The intent of the pattern book is to provide general design and architectural guidelines aimed to protect and enhance the Hialeah Park's identity. The pattern book may include general design concepts such as history and character, massing and composition, windows and doors, porches, materials, colors and possibilities, but shall be specific to Phase I of development. Reference to existing historic elements of Hialeah Park may be included as references, but references to other unrelated developments shall be avoided. The Pattern Book shall include a detailed masterplan, elevations and details of the perimeter wall facing East 4 Avenue, elevations and details of all facades facing the ROWs including materials, textures, color palettes, railing design and other necessary architectural details, landscape and site design elements, ROW cross sections, signs, outdoor furniture, etc.

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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.

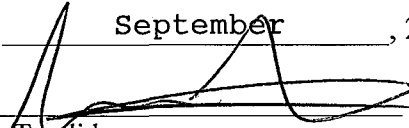
Section 5: Severability Clause.

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 14 day of September, 2021.

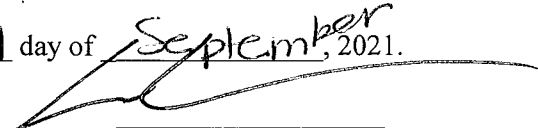


Jesus Tundidor
Council President

Attest:



Marbelys Hatjo, City Clerk

Approved on this 21 day of September, 2021.


Mayor Carlos Hernandez
Ordinance was adopted by 5-1-1 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Hernandez, Tundidor, and Zogby voting "Yes" and with Council Vice President Perez voting "No" and Council Member De la Rosa away during the roll call for vote.

~~Approved as to form.~~


Lorena E. Bravo, City Attorney

Strikethrough indicates deletion. Underline indicates addition.
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