

**ORDINANCE NO. 2016-03**

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 33. NBD NEIGHBORHOOD BUSINESS DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR AMENDING HIALEAH CODE § 98-1627 ADDING THE INDUSTRIAL LAND USE CLASSIFICATION AS PART OF THE CRITERIA; AMENDING HIALEAH CODE § 98-1628 TO INCLUDE THE DEFINITION OF WORK/LIVE UNIT; AMENDING HIALEAH CODE § 98-1630.1 TO INCLUDE WORK/LIVE UNITS AS A PERMITTED USE; AMENDING HIALEAH CODE § 98-1630.2 TO INCLUDE PROFESSIONAL USES AS A PERMITTED USE ON THE GROUND LEVEL OF A MIXED-USE BUILDING; AMENDING § 98-1630.8 TO ALLOW THE EXPANSION OF NBD OVERLAY DISTRICT REGULATIONS TO PROPERTIES ABUTTING A FRONTAGE ROAD ALONG EXPRESSWAYS AND HIGHWAYS IN THE CITY AND PROPERTIES HAVING AN INDUSTRIAL LAND USE CLASSIFICATION; FURTHER AMENDING ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 10 PARKING, AND IN PARTICULAR, REVISING HIALEAH CODE § 98-2189 ENTITLED "MINIMUM REQUIRED OFF-STREET PARKING SPACES" TO INCLUDE PARKING REQUIREMENTS FOR WORK/LIVE UNITS WITHIN THE NBD NEIGHBORHOOD BUSINESS 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; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a work/live unit use is intended to provide for the appropriate development of incidental residential uses within the NBD Neighborhood Business District and permissible uses under several land use classifications including industrial, commercial, medium density residential, high density residential and central business district (CBD), facilitating the growing integration of work and live functions while reducing commute travel; and

**WHEREAS**, the general purpose and intent of this ordinance is to encourage and facilitate the rehabilitation of neglected or underused structures, while supporting the growth of commercial businesses, addressing a strong demand for residential uses and reducing commute travel by providing development alternatives; and

**WHEREAS**, the Planning and Zoning Board at its meeting of November 18, 2015 recommended approval of this ordinance.

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

**Section 1:** Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 33. NBD Neighborhood Business District of the Code of Ordinances of the City of Hialeah, Florida is hereby amended to read as follows:

Chapter 98

**ZONING**

\* \* \*

**ARTICLE V.- ZONING DISTRICT REGULATIONS**

\* \* \*

**DIVISION 33.- NBD NEIGHBORHOOD BUSINESS DISTRICT**

**Sec. 98-1627.- Purpose.**

The purpose of the NBD neighborhood business district is to provide mixed residential, retail, office and/or service-oriented uses that promote and encourage pedestrian access and regular use. The criteria and incentives provided herein do not apply to single-use buildings, but such criteria and incentives may apply to mixed use buildings following the guidelines provided in the NBD district urban design plan that satisfy each of the following requirements:

- (1) The property is located within an activity node within the NBD overlay district;
- (2) The property has a land use classification of commercial, industrial, medium density residential, high density residential or central business district (CBD); and
- (3) A vertical mix of uses.

**Sec. 98-1628. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings described to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

Work/Live unit means a structure or space that combines a commercial activity with a residential living space for the owner of the commercial business, where the resident owner is responsible for the commercial activity performed, and where the commercial activity conducted on the premises takes place subject to a valid business tax receipt associated with the premises.

\* \* \*

**Sec. 98-1630.1. - Permitted uses, limitations and prohibited commercial uses.**

No building or land shall be used and no building shall be hereinafter erected, constructed, reconstructed or structurally altered that is designed, arranged or intended to be used or occupied for any purpose, unless it provides residential use and one or more of the principal commercial uses as follows:

(a) Principal uses and structures:

\* \* \*

(15) Work/Live units.

\* \* \*

**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.

\* \* \*

**Sec. 98-1630.8. - Limited expansion of NBD overlay district regulations subject to a special use permit.**

NBD overlay district regulations may extend, subject to a grant of a special use permit by ordinance, to properties that are activity node areas or abut a frontage road along expressways and highways in the city (Palmetto Expressways, State Road 112, and I-75), having a land use classification of industrial, commercial, medium density residential or high density residential situated on a corner with a minimum site area of 20,000 square feet and with a minimum street frontage of 200 feet facing at least one right-of-way. The limited expansion of the NBD overlay district regulations shall not apply to any activity node areas within the Hialeah Racetrack as described hereinabove.

\* \* \*

**Section 2:** Chapter 98 entitled "Zoning", Article VI. Supplementary District Regulations, Division 10. Parking of the Code of Ordinances of the City of Hialeah, Florida and in particular, revising Hialeah Code § 98-2189 entitled "Minimum required off-street parking spaces" as follows:

Chapter 98

**ZONING**

\* \* \*

**ARTICLE VI. - SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \*

**DIVISION 10. - PARKING.**

\* \* \*

**Sec. 98-2189. - Minimum required off-street parking spaces.**

Off-street parking shall be provided in accordance with the following minimum standards. If a calculation of minimum parking spaces results in a number with a fraction, then the next higher whole number shall be considered the proper calculation.

\* \* \*

(16) NBD neighborhood business district.

- a. Residential uses. Parking for residential uses shall be two parking spaces for one or two bedrooms and one-half parking spaces for each additional bedroom. An additional one-quarter 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.
- b. Commercial uses. The parking requirements for commercial uses as designated in this section shall apply except that

vocational schools and post-secondary schools shall provide one parking space for every 150 square feet of gross floor area.

c. Work/Live Units. Parking for work/live units shall be one parking space for every 200 square feet of the gross floor area of the work portion of the unit.

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**Section 3: Repeal of Ordinances in Conflict.**

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

**Section 4: 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 5: 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 6: 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

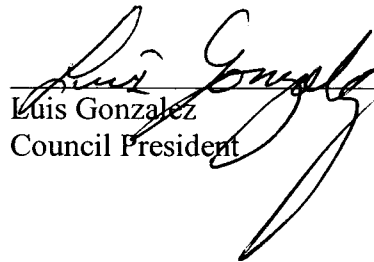
invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 7: 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 26 day of January, 2016. <sup>(MP)</sup>

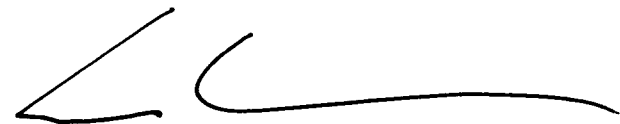
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Luis Gonzalez  
Council President

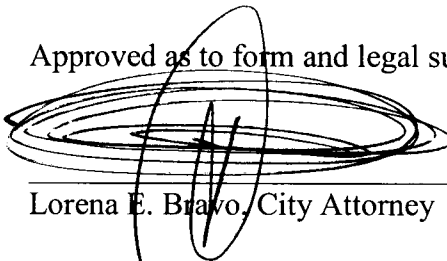
Attest:

Approved on this 1 day of February, 2016. <sup>(MP)</sup>

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".

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