

**ORDINANCE NO. 2018-144**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING SECTION 98-1607.2 HIALEAH HEIGHTS CDH COMMERCIAL DEVELOPMENT DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH IN CHAPTER 98 "ZONING", ARTICLE V. ENTITLED "ZONING DISTRICT REGULATIONS", DIVISION 29, HIALEAH HEIGHTS, HIALEAH HEIGHTS CDH COMMERCIAL DEVELOPMENT 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, Zoning District Regulations, Division 29, Hialeah Heights, Section 98-1607.2 Hialeah Heights CDH Commercial Development District of the code of ordinances is hereby amended as follows:

**Chapter 98**

**ZONING**

\* \* \*

**ARTICLE V. ZONING DISTRICT REGULATIONS**

\* \* \*

**DIVISION 29. HIALEAH HEIGHTS**

\* \* \*

Sec. 98-1607.2. - Hialeah Heights CDH Commercial Development District.

(a) *Geographic area.* The city hereby designates the geographic area comprised of all land located in an area bounded on the west by NW ~~102<sup>nd</sup>~~ 107th Avenue, on the north by NW 142nd Street, on the east by NW 97th Avenue and on the south by NW 138th Street, as the Hialeah Heights CDH Commercial Development District.

(b) *Purpose.* The purpose of the Hialeah Heights CDH Commercial Development District is to provide regulations to promote a commercial district conceived as a designed environment where generic big-boxes, boutique retail, restaurants, entertainment complexes, convenience services, outparcels ~~and~~ offices and multifamily residential developments are configured not only to accommodate vehicular circulation but also to provide an enhanced pedestrian experience.

(c) The overall goal and objective of the district regulations is to organize the area with an underlying pattern that absorbs new growth over time and evolves as and into a Town Center or mixed use district. CDH regulations only apply to properties with mixed use land use classification.

\* \* \*

(e) *Development standards.*

\* \* \*

(5) *Pedestrian access required.* A continuous network of sidewalk with a minimum width of eight feet along the building frontages and connecting the different commercial clusters and residential uses shall be provided. These sidewalks shall be flanked by parallel or angle parking, buffered with a landscaped strip along the side adjacent to the parking and shaded by means of streets canopy trees or loggias. Curb cuts shall be minimized to encourage pedestrian connectivity. Commercial buildings fronting NW 97th Avenue shall contain an active retail frontage and direct pedestrian access from NW 9th Avenue.

\* \* \*

(f) *Permitted uses.* The permitted uses for land, buildings and other improvements are subject to the general conditions requiring that all storage of materials and products and all operations of work of every character are carried on entirely within the enclosing walls and under the roof of a building and/or enclosed by a decorative masonry wall when the work is of a nature to be performed outside of a building. The permitted uses of the district are as follows:

\* \* \*

(7) Multifamily Residential developed in accordance with RH-CD regulations.

\* \* \*

**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.

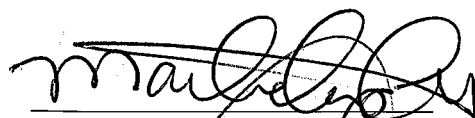
PASSED and ADOPTED this 11 day of December, 2018.

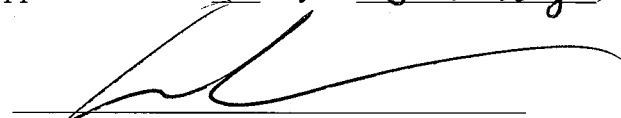
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Vivian Casals-Munoz  
Council President

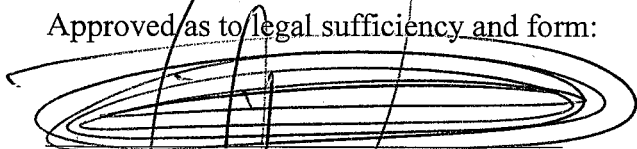
Attest:

Approved on this 3 day of January, 2018. *(me)*

  
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.