

RESOLUTION NO. 2015-92

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA EXPRESSING ITS INTENT TO ADOPT EAR-BASED TEXTUAL AMENDMENTS TO THE HIALEAH, FLA., COMPREHENSIVE PLAN 2003-2015 AND IN PARTICULAR, AMENDMENTS TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, SANITARY SEWER ELEMENT, POTABLE WATER ELEMENT, SOLID WASTE ELEMENT, AQUIFER ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENTS ELEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Hialeah, Fla., Ordinance 04-75 (Oct. 13, 2004), the City of Hialeah, Florida adopted its Hialeah, Fla., Comprehensive Plan 2003-2015 according to the requirements of Chapter 163, Part II, Florida Statutes; and

WHEREAS, according to Florida Statutes § 163.3191, the City of Hialeah adopted an Evaluation and Appraisal Report to its Hialeah, Fla., Comprehensive Plan 2003-2015 pursuant to Hialeah, Fla.. Ordinance 05-71 (Aug. 24, 2005); and

WHEREAS, a City-initiated request to adopt EAR-based amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015 was recommended for approval at the Planning and Zoning Board, sitting as the local land planning agency, at a public meeting on May 27, 2015; and

WHEREAS, City-initiated request to adopt EAR-based amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015 and in particular, amendments to the Future Land Use Element, Transportation Element, Housing Element, Sanitary Sewer Element, Potable Water Element, Solid Waste Element, Aquifer Element, Conservation Element, Recreation And Open Space Element, Intergovernmental Coordination Element, and Capital Improvements Element were approved for transmittal by the City Council at a public meeting on June 9, 2015, subject to comment through the expedited state review process by the Florida Department of Economic Opportunity or as otherwise provided in section 163.3184, Florida Statutes (2014).

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

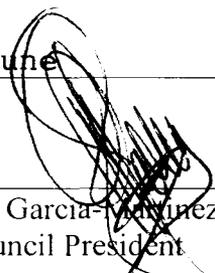
Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: It is the intent of the City Council that that the Evaluation and Appraisal Report (EAR)-based textual amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015 and in particular, amendments to the Future Land Use Element, Transportation Element, Housing Element, Sanitary Sewer Element, Potable Water Element, Solid Waste Element, Aquifer Element, Conservation Element, Recreation And Open Space Element, Intergovernmental Coordination Element, And Capital Improvements Element, as set forth hereinbelow, after appropriate comment and public hearing, shall be considered for approval. The proposed amendments (Exhibit "1"), which is made a part hereof for all purposes, shall be on file in the Office of the City Clerk.

Section 3: Effective Date.

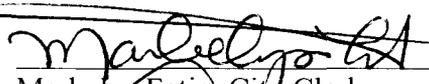
This Resolution shall become effective only upon approval of the Florida Department of Community Affairs, the state planning agency, pursuant to Chapter 163, Part II, Florida Statutes, or as otherwise provided in section 163.3184, Florida Statutes.

PASSED AND ADOPTED this 9 day of June, 2015.



Isis Garcia-Martinez
Council President

Attest: Approved on this 16 day of June, 2015.



Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



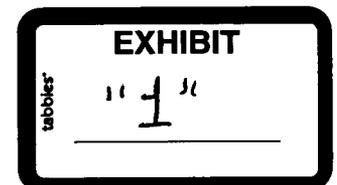
Lorena El Bravo, City Attorney

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

INTRODUCTION

This report is comprised of eleven applications for amendments to the City of Hialeah's Comprehensive Plan based on the 2014 evaluation and review that was conducted in accordance with the requirements of Chapter 163.3191, Florida Statutes (F.S.), as revised by the 2011 Growth Management Legislation (CS/HB7207ER). The purpose of this review was to ensure that the Comprehensive Plan addresses all current State growth management requirements. The City submitted its Letter of Determination regarding these amendments to the Florida Department of Economic Opportunity (DEO) on August 1, 2014. Subsequently DEO provided the City with a letter acknowledging receipt of the Letter of Determination, and stating that the amendments based on the evaluation and review should be transmitted to the State and review agencies by August 1, 2015.

The eleven applications contained in this report correspond to the eleven Comprehensive Plan Elements in which amendments are recommended. Only goals, objectives, policies, and maps for which specific amendments are recommended are included.



A. Future Land Use Element Amendments

1. Amendment LU-1. Amend Policy 1.1.4 as follows:

Policy 1.1.4 Zoning Districts. ~~By 2005, the City shall update the adopted zoning matrix which shall establish~~ maintain zoning districts that correspond to specific land use categories. ~~The matrix shall further define allowable densities and intensities in each zoning district.~~

2. Amendment LU-2. Amend Policy 1.12.13 as follows:

Policy 1.2.13 Reclaimed Water. The City shall continue to coordinate with Miami-Dade County and the South Florida Water Management District ~~Lower East Coast its potential to establish a~~ in the implementation of programs that utilizes reclaimed water for irrigation purposes, ~~which, in turn, in order to~~ reduces the drawdown of groundwater supplies.

3. Amendment LU-3. Amend Policy 1.2.14 as follows:

Policy 1.2.14 Wetland impacts on the Annexation area. The city, in the development of the annexation area, will develop a wetland mitigation projection based on the on-site wetlands analysis and consistent mitigate the impact of development on wetlands consistent with environmental requirements and development projections.

4. Amendment LU-4. Amend Objective 1.3 as follows:

Objective 1.3 Concurrency. The City shall continue to ensure that future development is provided essential services and facilities at acceptable standards ~~by incorporating the following policies into the site plan review process and the City's through the implementation of its~~ concurrency management system.

5. Amendment LU-5. Amend Policy 1.3.2 as follows:

Sewer, Water and Roads Transportation. If a proposed development will result in a degradation of the adopted LOS for sewer, water or transportation, then a development order will be denied unless it can be demonstrated that sufficient improvements will be in place concurrent with the impacts of such development to maintain the adopted minimum LOS standard. The City shall allow transportation concurrency requirements to be satisfied in accordance with the provisions contained in F.S. 163.3180(5)(h).

6. Amendment LU-6. Amend Policy 1.9.3 as follows:

Policy 1.9.3: Historic Report. ~~By 2005, the City shall prepare a report of the historical aspects of the City and include the~~ The City shall designate, protect and maintain a list of designated historic and archeological sites in accordance with Article 46 of its Code of Ordinances. The Historic Preservation Board will monitor the need for historic districts or special development controls related to protecting historic structures.

7. Amendment LU-7. Delete Policy 1.9.5 as follows:

~~**Policy 1.9.5: Land Development Standards.** By 2005, the City shall establish more restrictive standards for historic preservation in the Code of Ordinances to ensure the protection of historically significant sites and historic structures from development or redevelopment.~~

8. Amendment LU-8. Amend Policy 1.11.4 as follows:

~~**Policy 1.11.4 Tentative District Educational Facilities Plan.** The City shall review and provide comments on the Tentative District Educational Facilities Plan prepared by the School Board on an annual basis prior to adoption of the Plan (the School Board must submit it to the City by June 30th of each year) annually evaluate the Miami-Dade County Public Schools Facilities Work Program in accordance with Policy EDU-2F of the Public Education Facilities Element.~~

9. Amendment LU-9. Amend Policy 1.11.5 as follows:

~~**Policy 1.10.5 Educational Plant Survey.** The City shall participate in the review of the five-year Educational Plant Survey and revisions thereto annually adopt the Miami-Dade County Public Schools Five-Year District Facilities Work Program in accordance with Policy EDU-2F of the Public Education Facilities Element.~~

10. Amendment LU-14. Delete Policy 2.4.3 as follows:

~~**Policy 2.4.3 Parking.** To maintain the ability for future development and reduce parking deficiency problems, the City will coordinate and, if funding is available, implement the construction of a parking garage in the Downtown Urban Center. The following regulations will be implemented to achieve this policy.~~

11. Amendment LU-11. Delete Policy 2.4.6 as follows:

~~**Policy 2.4.6** The parking fee funds will be accumulated by the City to provide the structured parking facility.~~

12. Amendment LU-16. Delete Policy 2.4.7 as follows:

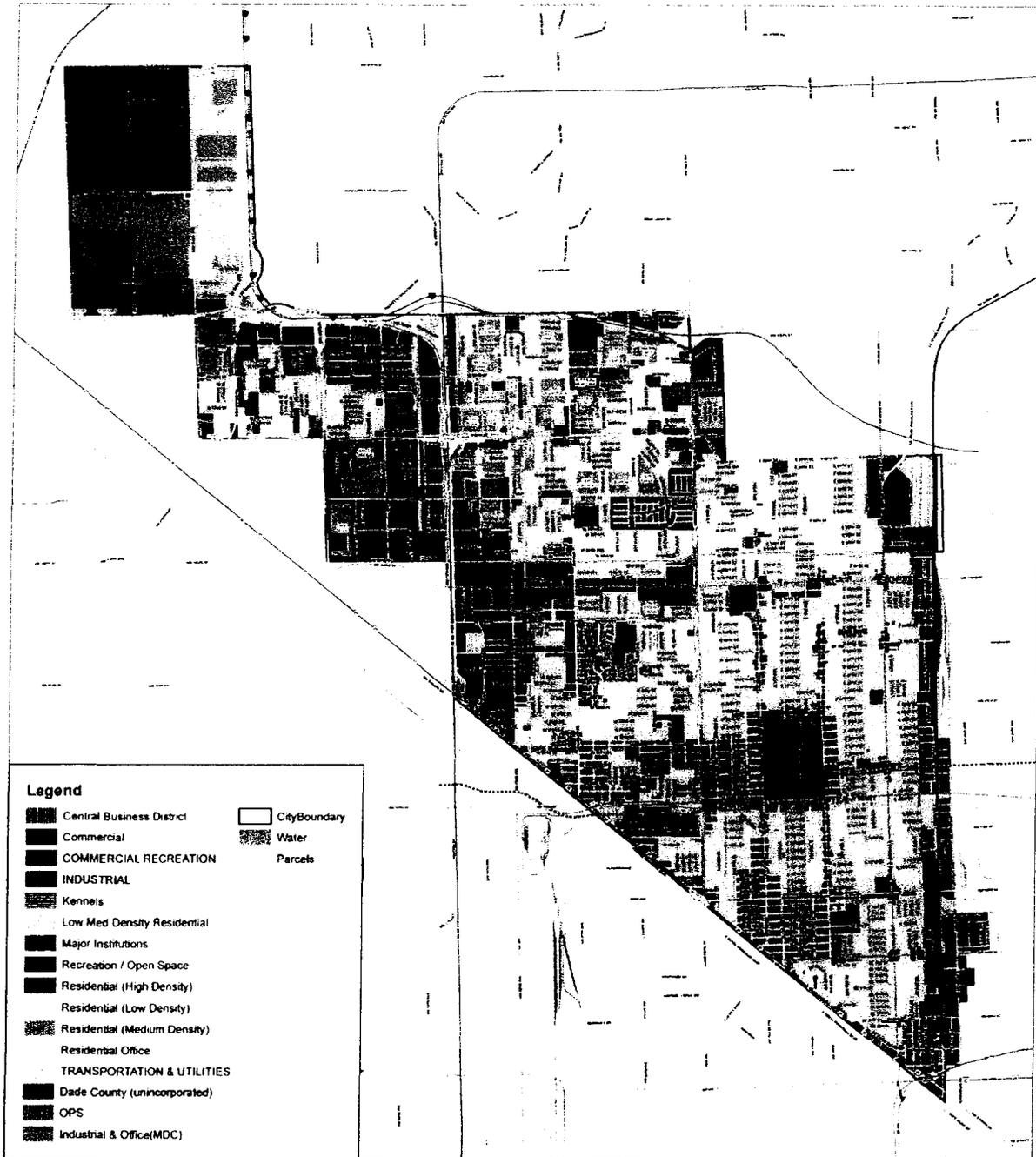
~~**Policy 2.4.7** According to the analysis conducted during the preparation of the Downtown Urban Center Urban Design Plan, the structured parking facility will be no less than 1,200 feet from the main City Hall entrance.~~

13. Amendment LU-17

Amend the Future Land Use Map to change the date from 2003 – 2015 to 2015 - 2030.



HIALEAH COMPREHENSIVE PLAN 2015-2030 HIALEAH, FLORIDA



Map 1-10: Future Land Use Plan

B. Transportation Element Amendments

1. Amendment T-1. Amend Policy 1.1.8 as follows:

Policy 1.1.8 The City shall maintain a concurrency management system, consistent with Chapter 9J-5.0055 F.A.C. and the Capital Improvements Element of this Comprehensive Plan. The City shall allow transportation concurrency requirements to be satisfied in accordance with the provisions contained in F.S. 163.3180(5)(h).

2. Amendment T-2. Amend Objective 1.2 as follows:

Objective 1.2 Projected transportation demands ~~through the year 2008~~ shall be planned for, coordinated with the appropriate agencies and, when financially feasible, scheduled for improvement.

3. Amendment T-3. Amend Policy 1.2.2 as follows:

Policy 1.2.2 Projected ~~Year 2008~~ deficiencies that are under the City's jurisdiction will be incorporated and ranked per Policies 1.3.1 through 1.3.3 into the City of Hialeah Capital Improvements Program, ~~for construction prior to the Year 2008~~ and when a funding source is identified the improvements shall be included in the City's annual budget. The priority of projects to meet future projected needs should be preceded by projects to remedy or mitigate existing deficiencies.

4. Amendment T-4. Amend Policy 1.2.3 as follows:

Policy 1.2.3 Projected ~~year 2008~~ transportation deficiencies that are under the jurisdiction of Miami-Dade County or the State, and are not listed in either the Florida Department of Transportation Five-Year Work Program or the Miami-Dade County Long Range Transportation Plan will be brought to the attention of the Miami-Dade County MPO or the Florida Department of Transportation for inclusion in the plan via formal resolution of the City Council.

5. Amendment T-5. Amend Objective 1.12 as follows:

Objective 1.12 Decrease the automobile modal split of the residents of the City of Hialeah by 10 percent by the Year ~~2008~~30.

6. Amendment T-6. Amend Policy 1.12.7 as follows:

Policy 1.12.7 For all routes within the City of Hialeah the City shall work with MDT to ~~guarantee the implementation of the People's Transportation Plan policy mandating maintain~~ 15 minute headways during the peak period ~~by the year 2008~~.

7. Amendment T-7. Amend Objective 1.1.12 as follows:

Objective 1.16 Vehicle occupancy rates for home-based work trips shall increase by 15% during peak periods by 201530.

C. Housing Element Amendments

1. Amendment H-1. Amend Objective 1.1 as follows:

Objective 1.1 Housing Supply. Assist the private sector to provide approximately 5,031 in providing new dwelling units of various types, sizes and costs ~~between 2000 and 2005, plus an additional 6,643 units between 2005 and 2010, and 6,729 between 2010 and 2015~~ necessary to house the City's anticipated population accommodate current and projected demand through the planning horizon.

2. Amendment H-2. Delete Policy 1.1.13 as follows:

Policy 1.1.13 ~~By 2007, the City shall establish a database of building permit activity, and shall organize it more efficiently to maintain a current inventory of new housing units by type and tenure characteristics.~~

3. Amendment H-3. Amend Policy 1.3.1 as follows:

Policy 1.3.1 ~~The City shall assist 53 renters to become homeowners over the five year period of the City's Consolidated Plan~~ will assist in the provision of homebuyer counseling services when feasible.

4. Amendment H-4. Amend Policy 1.3.4 as follows:

Policy 1.3.4 ~~The City may shall examine the need to establish a program of provide density/intensity or development bonuses in return for developer contributions to affordable housing.~~

5. Amendment H-5. Amend Policy 1.6.2 as follows:

Policy 1.6.2 ~~The City shall evaluate the requested permits and compare them with the housing supply and needs between the years 2000 and 2005, 2005 and 2010 and 2010 and 2015 through the planning period.~~

6. Amendment H-6. Amend Policy 2.1.4 as follows:

Policy 2.1.4 ~~By 2005, the City shall~~ periodically conduct a housing conditions survey to identify any units that may be in need of rehabilitation or demolition.

7. Amendment H-7. Amend Policy 2.1.8 as follows:

Policy 2.1.8 The City shall continue to apply for grant funds and subsidy programs such as:

- ~~Florida Neighborhood Housing Services grant administered by the Florida Department of Community Affairs. (Chapter 420.429, F.S.).~~
- ~~Florida Small Cities CDBG Program Funds administered by the~~

Florida Department of Community Affairs (Chapter 290.0401-
290.049, F.S.) in order to implement housing programs.

8. Recommendation H-8. Amend Policy 2.1.9 as follows:

Policy 2.1.9 ~~After the housing conditions survey is prepared, the Code Compliance Division~~ The City shall continuously update its housing conditions survey and conduct the necessary code enforcement inspections to keep the number of substandard and deteriorated units to a minimum.

9. Recommendation H-9. Amend Policy 2.4.1 as follows:

Policy 2.4.1 The City shall ~~develop~~ maintain a vacant residential parcel map and database ~~utilizing, if possible, the Miami Dade County Property Appraiser's Office as a base. Such a system should include the size, location, physical characteristics, utilities, zoning, and ownership data.~~

D. Sanitary Sewer Element Amendments

1. Amendment SS-1. Amend Policy 1.4.2 as follows:

Policy 1.4.2 ~~By 2005, the City shall~~ Continue to identify and map these areas within the City's service area, which are served by septic systems, and prioritize areas which may require central sewer service based on soil suitability, density, and environmental concerns.

E. Potable Water Element Amendments

1. Amendment PW-1. Amend Goal 1 as follows:

GOAL 1 To plan for and ensure an adequate supply of excellent quality potable water to meet the needs of all residential and non-residential uses within the City of Hialeah's service area throughout the 201530 planning horizon.

2. Amendment PW-2. Amend Objective 1.2 as follows:

Objective 1.2 *Future Potable Water Facilities.* Based upon population projections, the City shall ensure the supply and treatment of safe potable water through the 201530-planning horizon to meet the adopted level of service standards.

F. Solid Waste Element Amendments

1. Amendment SW-1. Amend Objective 1.1. as follows:

Objective 1.1: *Solid Waste Disposal.* The City shall continue to ensure satisfactory and economical solid waste management for all City residents through the ~~2003~~15 – ~~2015~~30 planning period.

G. Aquifer Element Amendments

1. Amendment A-1. Amend Policy 1.5.1 as follows:

Policy 1.5.1 The City shall ~~adopt~~ maintain a landscape ordinance and shall promote, through educational programs and publications, the use of Xeriscape practices, which include low or no water landscaping, the use of solid waste composts, efficient irrigation systems, and the prohibition of exotic plant species, which will result in the conservation of water.

2. Amendment A-2. Amend Policy 1.2.2 as follows:

Policy 1.2.2 The City shall ~~explore the feasibility of an~~ maintain aquifer recharge ordinance, ~~which would provide incentives for developers to minimize impervious surfaces in regulations to control development that overlays~~ prime recharge areas.

H. Conservation Element Amendments

1. Amendment C-1. Amend Policy 1.1.2 as follows:

Policy 1.1.2 ~~The City shall develop a land use ordinance, which~~ Enforce regulations ~~that~~ governs the maintenance of pollutant emissions standards based on federal, state, and local standards.

I. Recreation and Open Space Element Amendments

1. Amendment ROS-1. Amend Objective 1.2 as follows:

Objective 1.2 ~~By 2005, the City shall conduct a study to determine~~ monitor the active recreational preferences/needs of the City residents, and shall ~~prepare~~ maintain a periodically updated Parks and Recreation Master Plan to identify future additions of activity-based recreational facilities to existing and future parks.

2. Amendment ROS-2. Amend Policy 1.2.1 as follows:

Policy 1.2.1 The City shall conduct a detailed recreational surveys as needed to monitor recreational preferences/needs. ~~The questionnaire shall be distributed through a utility bill, City Newsletter or other form of mailing that can reach the majority of the residents.~~

3. Amendment ROS-3. Delete Policy 1.3.2 as follows, and renumber subsequent policies accordingly:

~~Policy 1.3.2 At the time the first written report is prepared, the City shall consider the need to adopt detailed level of service standards for specific activity-based recreational facilities.~~

4. Amendment ROS-4. Amend Policy 1.5.1 as follows:

Policy 1.5.1 ~~By 2004, The City, on an ongoing basis, shall ensure that all recreation and open space areas shall be evaluated as to the accessibility~~ are accessible to all Hialeah residents regardless of physical condition, age, or economic condition as outlined in the Uniform Federal Accessibility Standards.

J. INTERGOVERNMENTAL COORDINATION ELEMENT AMENDMENTS

1. Amendment IC-1. Amend Policy 1.2.6 as follows:

Policy 1.2.6 Coordinate with the Miami-Dade County School Board the comprehensive land use and school facility planning programs as portrayed in the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami Dade County, ~~adopted by resolution N° 03-22, approved on February 27, 2003 and entered on February 28, 2003.~~

2. Amendment IC-21. Amend Policy 1.9.2 as follows:

Policy 1.9.2 The City will review ~~on the~~ School Board Comprehensive Plans for consistency with the Hialeah Comprehensive Plan.

3. Amendment IC-3. Amend Policy 1.9.12 as follows:

Policy 1.9.12 The City will forward copies of development applications that have the potential to impact schools to Miami-Dade Public Schools and other appropriate agencies.

4. Amendment IC-4. Amend Policy 1.9.13 as follows:

Policy 1.9.13 ~~By 2005, t~~The City will continue to explore providing developer incentives to promote collaborative efforts between the School Board and the private sector to develop adequate school facilities in residential neighborhoods.

5. Amendment IC-5. Amend Policy 1.9.16 as follows:

Policy 1.9.16 The City will ~~adopt an Education Element that will emulate the Miami-Dade County model~~ maintain and update its Public Education Facilities Element.

6. Amendment IC-6. Amend Policy 1.9.17 as follows:

Policy 1.9.17 The City will ~~adopt an amended~~ maintain the Interlocal Agreement with Miami-Dade County Public Schools ~~to~~ that includes the adopted Concurrency Service Areas and Level of Service Standard for the provision of public school facilities in a financially-feasible manner.

K. CAPITAL IMPROVEMENTS ELEMENT AMENDMENTS

1. Amendment CI-1. Amend Objective 1.2 as follows:

Objective 1.2: *Level of Service (LOS).* The City shall utilize level of service criteria defined in the ~~Transportation Element of this~~ Comprehensive Plan when determining the timing and funding of capital facilities.

2. Amendment CI-2. Amend Policy 1.8.5 as follows:

Policy 1.8.5: ~~The City shall undertake a Municipal Mobility Plan, which will examine the entire network and create a palate of projects designed to increase capacity, aid in alternative mode transportation, support sustainable development, as well as support economic development. This plan will include a Transportation Demand Management Ordinance, and an expansion of the Hialeah Transit System plan for multi-modal transportation mobility improvements on an ongoing basis.~~

3. Amendment CI-3. Add a new Policy under Objective 1.8 as follows:

Policy 1.8.6: The City shall allow transportation concurrency requirements to be satisfied in accordance with the provisions contained in F.S. 163.3180(5)(h).