

**ORDINANCE NO. 2016-27**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ADOPTING A TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE HIALEAH, FLA., COMPREHENSIVE PLAN TO EXPAND THE SCOPE OF THE NEIGHBORHOOD BUSINESS DISTRICT OVERLAY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board on December 9, 2015 recommended the adoption of the text amendment to the Future Land Use Element of the City of Hialeah Comprehensive Plan to expand the scope of the Neighborhood Business District Overlay to include industrial areas, supplement existent intensity standards, ensure that the properties in said District will be developed as mixed use, and provide enhanced development and redevelopment incentives for properties located in special, highly visible "Corridor Gateways" within the Neighborhood Business District Overlay, subject to comments through the expedited state review process by the Florida Department of Economic Opportunity ("Department") or as otherwise provided in section 163.3184, Florida Statutes;

**WHEREAS**, the City Council declared its intent to adopt the text amendment, which adopted the recommendation of the Planning and Zoning Board and submitting it to the Department for approval by passing Hialeah, Fla., Resolution 2016-10 (January 12, 2016);

**WHEREAS**, on March 9, 2016 the Department reviewed the proposed text amendment (Department reference number "16-1ESR") in accordance with the State of Florida coordinated review process set for in section 163.3184 for consistency with the Hialeah, Fla., Comprehensive Plan, and Chapter 163, Part II, Florida Statutes, and issued its recommendations and comments, which the City incorporated into the revised amendments to its Comprehensive Plan, attached as Exhibit "1" to this ordinance; and

**WHEREAS**, the City recognizes the necessity to develop and maintain ongoing City programs designed to encourage pedestrian access, facilitate the rehabilitation of neglected or underused structures, support the growth of commercial businesses while addressing a strong demand for residential uses.

NOW, THEREFORE, BE IT ORDAINED 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 ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The Mayor and the City Council of the City of Hialeah, Florida hereby approve and adopt the text amendment to the Future Land Use Element of the Hialeah, Fla., Comprehensive Plan to expand the scope of the Neighborhood Business District Overlay. This text amendment (Exhibit "1"), which is made a part hereof for all purposes, shall be on file in the Office of the City Clerk.

**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 violating 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 described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**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.**

Pursuant to Florida Statutes §163.3184(3)(c)4 the effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete or if timely challenged, the date a final order is issued by the land planning agency or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier.

PASSED and ADOPTED this 24 day of May, 2016.

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

Attest:

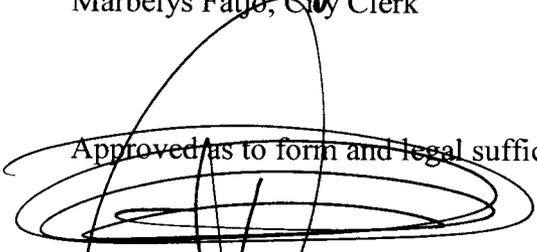
  
Luis Gonzalez  
Council President

Approved on this 27 day of may, 2016.

  
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".