ORDINANCE NO.2015-40

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 2003-2015 TO INCLUDE A NEW TRANSIT ORIENTED DEVELOPMENT FUTURE LAND USE DISTRICT; 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 April 22, 2015 recommended the adoption of a text amendment to the Future Land Use Element of the City of Hialeah Comprehensive Land Use Plan (2003-2015) to include a new Transit Oriented Development Future Land Use District, 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; and

WHEREAS, the City Council adopted the recommendation of the Planning and Zoning Board and resolved to adopt the proposed text amendment through Hialeah, Fla., Resolution 2015-73 (May 12, 2015);

WHEREAS, City submitted the proposed text amendment and supporting data and analyses to the Department for review and comment; and

WHEREAS, on June 30, 2015 the Department reviewed the proposed amendment for consistency with the Hialeah, Fla., Comprehensive Plan, Chapter 163, Part II, Florida Statutes, and issued its recommendations and comments; and

WHEREAS, it is the City's intent to adopt the text amendment to the Future Land Use Element of the City of Hialeah Comprehensive Land Use Plan (2003-2015) submitted to the Department, as amended and attached as Exhibit "1" to this Ordinance.

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 approves and adopts the text amendment to the Hialeah, Fla., Comprehensive Plan 2003-2015 amending the Future Land Use Element to include a new Transit Oriented Development Future Land Use District. The proposed text amendment, attached as Exhibit "1", 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.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of $500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

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 25 day of August, 2015.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 28 day of August, 2015.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

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

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

EXHIBIT 1

APPLICATION N° 1
CITY OF HIALEAH COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT AMENDMENT

1. Amend Policy 1.1.1, ***Land Use Categories***, of the Future Land Use Element as follows:

Policy 1.1.1: ***Land Use Categories***. The City shall maintain regulations for land use categories and a Future Land Use Map to ensure the coordination of future land uses with existing and adjacent land uses. The adopted Future Land Use Map shall contain and identify appropriate locations for the following land uses categories, as defined in the data and analysis for this element.

LAND USE CATEGORIES	INTENSITY STANDARDS*	
Low Density Residential	Up to 12 dwelling units/net acre.	
Medium Density Residential	Up to 24 dwelling units/net acre.	
High Density Residential	From 25 to 32 dwelling units/net acre. Up to 40 dwelling units/net acre with incentives. Up to 70 dwelling units/net acre with incentives in the Neighborhood Business District, vertical mixed-use required.	
Low-Medium Density Residential	From 5 to 9 dwelling units/gross acre	
Commercial	1,000 sf minimum floor area for retail commercial use in the Restricted Retail Commercial and Liberal Retail Commercial zoning districts, with a maximum floor area ratio (F.A.R.) of 3.9. Vertical Mixed-Use allowed under the Neighborhood Business District. Minimum 10 to 20 % retail or office required. Pursuant to the land development regulations, variables such as parking and landscape requirements may reduce the maximum F.A.R. achievable on a specific parcel. No minimum floor area, 850 sf maximum floor area in the C-4 Commercial Zoning District.	
Downtown Mixed Use District Range 60 to 70% Residential 20 to 25% Office 10 to 15% Retail	Commercial Residential	From 32 to 40 dwelling units/net acre with incentives. 45% maximum lot coverage. 45 feet maximum height. Maximum F.A.R. of 1.8. Commercial uses only permitted at ground floor.
	Central Business District	From 32 to 40 dwelling units/net acre with incentives. Maximum F.A.R. of 9.0. 100% maximum lot coverage. 90 feet maximum height. Commercial uses permitted up to the 4th floor. Above 4th floor only residential allowed.

Residential Office District – Mixed Use (Intended to buffer residential districts from major roadways or more intensive commercial uses)	Residential Office	7,500 sf minimum lot area. 1,000 sf minimum building floor area. 35 maximum height. Maximum lot coverage 35%. Maximum F.A.R. of 1.05. Professional services (no more than 2 occupational licenses) within a building that may also be used as a residence.
Neighborhood Business District-Mixed Use Minimum 10 to 20 % Retail or Office required (Intended to redevelop major city corridors and activity nodes)	Vertical mixed-use required. From 32 to 70 units/ net acre with incentives. Maximum height from 55 to 95 feet with incentives. Maximum F.A.R of 9.5. First floor commercial use required.	
Transit Oriented Development District (Intended to promote and encourage mobility and connectivity within the district as well as to and from transit stations for pedestrians, bicycles and automobiles-Restricted to locations within a half-mile of Tri-Rail stations in the City of Hialeah)	Vertical and horizontal mixed use development consisting of residential, commercial, entertainment, design, creative and/or technology uses. Minimum of 25 units/gross acre Maximum of 125 units/gross acre with incentives Minimum Height of four (4) stories Maximum height of 15 stories with incentives Maximum F.A.R of 3.0 with incentives As an initial implementation step, the City shall, within one year of the adoption of these amendments to the Comprehensive Plan, develop and adopt land development regulations to implement Transit Oriented Development for redevelopment of previously developed land as well as vacant lands, previously undeveloped land. The land development regulations shall require approval of any proposed development by the City Council after review and recommendation by the Planning and Zoning Board.	
Industrial	Light industrial may be adjacent to urban scale development and uses only if it is conveniently buffered and compatible with the adjacent neighborhood. No minimum floor area, maximum building area is limited by the parking requirements for different light industrial uses. Heavy industrial shall be located in Industrial parks. Ten (10) acres, is the minimum area required for the industrial park designation, and the minimum building site for industrial park buildings is 30,000 sf, There is a maximum F.A.R. of -1.5 and maximum F.A.R average of 0.45 for the area bounded by NW 154th St. to the south, NW 97th Ave to the east, and the HEFT to the northwest.	
Commercial Recreation (Pre-planned exception use)	Commercial zoning district with an associated recreational component offering entertainment for a fee. This designation is only applicable to the Hialeah Racetrack site A maximum F.A.R. is not applicable, as this designation is only applicable to the Hialeah Racetrack site, and development or redevelopment of this site shall only occur in accordance with approved and adopted plans.	
Major Institutions Includes governmental, educational, religious institutions, fraternal organizations, and Hospitals)	Compatible with adjacent neighborhood. 40 dwelling units/gross acre for government managed or funded affordable housing. Maximum F.A.R. of 9.0.	
Recreation and Open Space**	Conveniently buffered and compatible with adjacent neighborhoods.	

* Refer to the Code of Ordinances, City of Hialeah, Florida, Chapter 98-Zoning, for sub-classifications and detailed description of permitted uses.

**Refer to Recreation and Open Space Element (page X-3) for number of residents served per park.

2. Add a new Goal 4, and policies there under, to the Future Land Use Element as follows:

GOAL 4: ***Transit Stations Redevelopment.*** The Transit Oriented Development District (TOD) is intended for development which enhances and improves mobility and promotes the efficient use of infrastructure and services through the use of innovative design and development techniques. The City of Hialeah seeks to enhance the area adjacent to its two existing Tri-Rail stations through land use and zoning regulations and redevelopment incentives that promote mobility, connectivity more intense and efficient use of land through not only increased densities, but also height and intensity standards for buildings. The uses and development standards, to be implemented by land use and zoning regulations, shall be intended to create a more intense built-up environment through vertical and horizontal mixed-uses that encourage a complete community including a safe and pedestrian environment supported by public transit.

Transit Oriented Development areas shall be designed so as to create vibrant areas, promote convenience, reduce travel distance, and conserve energy. To achieve these objectives, the City's land development regulations shall include standards encouraging mixed-use development, multi-modal public transit facilities, pedestrian-oriented amenities, shared parking, high quality building and site design, and other features that foster livability, sustainability, community identity, and civic pride.

Objective 4.1: ***Transit Oriented Development (TOD).*** The City will designate Transit Oriented Development districts through Future Land Use map changes.

Policy 4.1.1: ***Location***. The geographic area of the Transit Oriented Development (TOD) districts should be determined based upon proximity to the two existing Tri-Rail Stations: Market Station and Metrorail Transfer Station. The designated areas should be within a half-mile-radius from each of the stations. The areas of this TOD land use designation may be minimally modified, through specific development approvals, to address the existing street network and ownership boundaries in effect at the time of the adoption of this amendment.

Objective 4.2: ***Station Area regulations.*** The City will implement land development and zoning regulations, for the Transit Oriented Development (TOD) districts in order to guide redevelopment and to provide incentives for buildings that promote mobility, connectivity and encourage transit ridership. Land development regulations to implement transit oriented development shall specifically take into account citywide needs for the various types and amounts of uses to be permitted. Implementing land development regulations shall also require proposed development projects within TOD areas to provide the City with a proposed phasing plan for construction of the proposed development; and how the proposed development is intended to implement and support the development of the overall TOD areas.

Policy 4.2.1: ***Mixed Uses.*** Through the enactment of creative and flexible land development regulations, permit a variety of integrated mixed-uses, including both residential and non-residential components compatible with surrounding uses.

Policy 4.2.2:*Density.* A minimum residential density of 25 units per acre and a maximum density of 125 units per acre, based on incentives, shall be permitted in the Transit Oriented Development district and implemented through the adoption of land development and zoning regulations. These regulations shall be based on incentives intended to provide mixed residential, commercial, entertainment, design, creative and technology uses. The increased density shall be consistent with existing or planned public infrastructure capacity.

Policy 4.2.4: *Open Space.* A minimum of eight percent (8%) of the gross lot area shall be provided as required open space. Increased setbacks intended for the creation of public open spaces such as parkways or greenways that promote an active and walkable urban environment and plazas that provide social gathering places shall count towards the minimum open space requirements.

Objective 4.3: *Design Standards.* Promote and enhance the development and redevelopment within Transit Oriented Development districts by allowing mixed uses and higher density/intensity with appropriate urban design and architectural guidelines that promote walking, biking and transit ridership and incorporate greenways and open space for public use.

Policy 4.3.1: *Urban Design Principles.* The concepts identified in 4.3.2 through 4.3.4 shall be incorporated into zoning and development standards which shall support all aspects of daily life such as: shopping, working and entertainment creating a lively and pedestrian friendly setting. Multi-modal transportation (intended as an alternative to automobiles) definition of streets and public spaces as places of shared use by pedestrians, bikes, public transit and automobiles, compact and pedestrian friendly mixed-use development shall be incorporated into both development regulations and approvals within the TOD districts.

Policy 4.3.2: *Connectivity.* Enhanced connectivity for pedestrians, bicycles, automobiles and public transportation shall be an integral part of all new developments and re-developments within the TOD districts, incorporated into all development approvals within the TOD districts and shall be provided concurrently with the development.

Policy 4.3.3: *Walkability.* Develop attractive, safe, and walkable areas that are designed and constructed to be pedestrian friendly limiting dependence on and potential conflicts with automobiles. Development approvals within the TOD districts shall include features such as short blocks, wide sidewalks, tree-shaded streets, and buildings that define and are oriented to streets.

Policy 4.3.4: *Existing Industrial Uses.* The City shall encourage the retrofit of existing industrial uses. Any altering, modification or requests for expansion of the intensity of existing industrial uses will be required to meet the standards of the revised land development and zoning regulations implementing the TOD designation. . Existing industrial shall mean industrial existing as of the date of this approved land use plan amendment.