

**ORDINANCE NO. 2021-041**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REVISING THE HIALEAH, FLA., LAND DEVELOPMENT CODE TO REFLECT PERTINENT CHANGES TO THE HIALEAH CODE AND RELEVANT CHANGES IN STATE LAW ENACTED SINCE THE DATE OF THE LAST REVISION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE HIALEAH, FLA. LAND DEVELOPMENT CODE AND THE HIALEAH CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of March 24, 2021 recommended approval of this ordinance; and

**WHEREAS**, the purpose and intent of this ordinance is to revise the Hialeah, Fla., Land Development Code to reflect changes in the planning regulations and policies, Hialeah Code and Florida law enacted since the last revision pursuant to Hialeah, Fla., Ordinance 2018-100 (Oct. 1, 2018); and

**WHEREAS**, the incorporation of these changes is required so that provisions of the Hialeah, Fla., Land Development Code correspond to the existing Hialeah Code provisions to provide a uniform set of land development regulations.

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

**Section 1:** The Hialeah, Fla., Land Development Code as incorporated in the Code of Ordinances of the City of Hialeah, Florida is hereby revised and amended to read as follows:

**PART III**

**LAND DEVELOPMENT CODE**

\* \* \*

**REGULATION NO. 1 - LAND DEVELOPMENT PROCEDURES**

**Sec. 1-2. – Procedures for applications for development orders.**

(f)(2)c. ~~Growth management advisory committee review.~~ On applications for development orders that are reviewed by the planning and zoning board ~~growth management advisory committee (GMAC)~~, written comments should be solicited and received from grants administration regarding the impact on affordable housing with respect to the application under review and consideration.

\* \* \*

**REGULATION NO. 2. - USES OF LAND AND WATER**

\* \* \*

**Sec. 2-2. - Relationship between land use classifications and zoning districts or designations.**

\* \* \*

TABLE 1. RELATIONSHIP BETWEEN LAND USE CLASSIFICATIONS AND ZONING DISTRICTS

Future Land Use Map Classification	Zoning District
Low density residential (up to 12 units/net acre)	R-1 one-family (up to 5 units)
	R-2 one- and two-family (up to 10 units)
	R-4 townhouse (up to 12 units)
	R-Z zero lot line (up to 12 units)
	P parking district
Medium density residential (up to 24 units/net acre)	R-3-1 multiple family (up to 15 units)
	R-3-2 multiple family (up to 20 units)
	R-3-3 multiple family (up to 24 units)
	P parking district

	<u>NBD neighborhood business district (overlay district)- Six geographic areas plus activity nodes—Mixed use with residential and commercial components (up to 70 residential units per net acre based on urban design and other incentives)</u>
<u>Low-Medium Density Residential (Hialeah Heights) District</u>	RH-1 one family
	RH-3-M multiple family (up to 14 units)
	RH-3-MM multiple family (up to 24 units)
	MH industrial
<u>High density residential (up to 32 units/net acre)</u>	R-3-4 multiple family (up to 28 units)
	R-3 and R-3-5 multiple family (up to 32 units)
	<u>R-3 multiple family (up to 28 units) P parking district</u>
	<u>NBD neighborhood business district (overlay district)- Six geographic areas plus activity nodes—Mixed use with residential and commercial components (up to 70 residential units per net acre based on urban design and other incentives)</u>
<u>Residential Office</u>	RO residential office
<u>Central Business District</u>	R-3-D multifamily (up to 40 units with land or monetary contribution)
	HDUC Hialeah Downtown Urban Center District (overlay district)
	EHDUC extended Hialeah Downtown Urban Center District (overlay district)
	CBD central business district (up to 40 residential units)
	CBD central business district (commercial and mixed uses)
	CR commercial-residential (commercial, mixed and residential uses)
	<u>GUD governmental use (up to 40 residential units)-NBD neighborhood business district (overlay district)- Six geographic areas plus activity nodes—Mixed use with residential and commercial components (up to 740 residential units per net acre based on urban design and other incentives)</u>
	<u>P parking district</u>
	<u>Hialeah Heights CDH Commercial Development District</u>

<u>Mixed Use (Hialeah Heights)</u>	<u>RH-CD Mixed Use Multiple Family District</u>
	<u>CDH Commercial Development District</u>
Commercial	<del>OPS office and professional services</del>
	B-1 highly restricted retail district
	BDH business development district
	C-1 restricted retail commercial
	C-2 liberal retail commercial
	C-3 extended liberal commercial
	C-4 commercial district
	<u>CDH Commercial Development District</u>
	CRMU commercial-residential mixed use (overlay district)
	<u>NBD neighborhood business district (overlay district) -Six geographic areas plus activity nodes—Mixed use with residential and commercial components (up to 70 residential units per net acre based on urban design and other incentives)</u>
P parking district	
Commercial recreation	HPD Hialeah Park district
Industrial	M-1 industrial district
	M-2 industrial district
	M-3 industrial district
	M industrial park district
	<u>MH Industrial District</u>
	Alwod Artist Live/Work Overlay District
	BDH business development district
	<u>NBD neighborhood business district (overlay district)-Six geographic areas plus activity nodes—Mixed use with residential and commercial components (up to 70 residential units per net acre based on urban design and other incentives)</u>
	<u>RH-CD subject to conditional use permit only within a quarter mile from CDH district</u>
Kennels	K kennels

Major institutions	<i>Churches and other places of worship:</i> Permitted in A (agricultural), R-2 and R-3 districts and in B-1 and other commercial zoning districts and M-1 and other industrial zoning districts subject to conditional use permit and <del>approved</del> <u>site plan approval</u> .
	<i>Public Schools:</i> All districts. <i>Private Schools:</i> Permitted in R-3 districts and in B-1 and other commercial zoning districts and M-1 and other industrial zoning districts subject to conditional use permit and <u>site plan approval</u> .
	<i>Government facilities:</i> All districts
	<i>Fraternal organizations:</i> <del>Commercial districts</del> Permitted in B-1 and other commercial zoning districts and M-1 and other industrial zoning districts subject to conditional use permit and <u>site plan approval</u> .
	<i>Hospitals:</i> <del>Multiple family district</del> Permitted in R-3 districts and in C-2 and other commercial zoning districts and M-1 and other industrial zoning districts subject to conditional use permit and <u>site plan approval</u> .
Neighborhood Business District overlay	<del>NBD neighborhood business district (overlay district) — Six geographic areas plus activity nodes — Mixed use with residential and commercial components (up to 70 residential units per net acre based on urban design and other incentives)</del>
Office and Professional Services	OPS office and professional services
Transit Oriented Development District	TOD
Transportation and utilities	Zoning compatible with the abutting property of same owner

**Sec. 2-3. – Requirements for the use of land and water.**

(c) *Conditional use permit (CUP) requirements.*

(2) A conditional use permit may be granted by the city council, upon review and recommendation of ~~GMAC~~ and the planning and zoning board,...

\*

\*

\*

**REGULATION NO. 10 SUBDIVISION OF LAND**

\* \* \*

**Sec. 10-3. – Plats and platting procedure.**

(a) *Unlawful acts.* It shall be unlawful to subdivide any property within the City of Hialeah, or to open, grade, or improve any streets therein, or to erect, have constructed or cause to be constructed any residence or other structure on any unplatted land, until a plat of a proposed subdivision has been reviewed and commented on by the city GMAC, recommended by the planning and zoning board...

\* \* \*

**Sec. 10-5. – Site plan review.**

(c) All site plans required by zoning ordinances shall be analyzed and reviewed by the city, ~~growth management advisory committee (GMAC)~~, with written comments provided, prior to consideration of the tentative plat by the planning and zoning board. ~~The GMAC shall consist of representatives of the planning and development department, department of water and sewers, police department, fire department and streets department. The individual members of the GMAC shall include the building official or designee, the principal planner, the planning director, the director of water and sewers or designee, the chief of police or designee, the fire chief or designee and the director of streets or designee.~~

\* \* \*

**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 violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed 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 Hialeah, Fla., Land Development Code and Hialeah Code.**

The provisions of this ordinance shall be included and incorporated in the Hialeah, Fla., Land Development Code and 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 Hialeah, Fla., Land Development Code and the Hialeah Code.

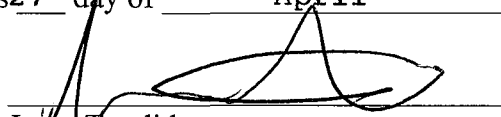
**Section 5: Severability Clause.**

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 when 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.

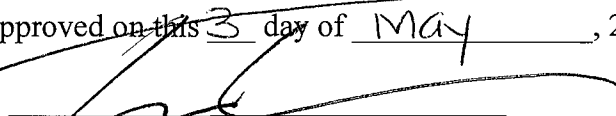
PASSED and ADOPTED this 27 day of April, 2021.

  
\_\_\_\_\_  
Jesus Tundidor  
Council President

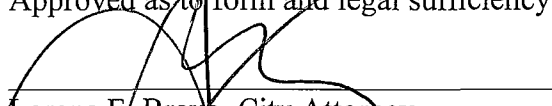
Attest:

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

Approved on this 3 day of MAY, 2021.

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Ordinance was adopted by 5-0-2 vote with Councilmembers, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente and Council Member Hernandez absent.

~~Strikethrough~~ indicates deletion. Underline indicates addition