

**ORDINANCE NO. 2021-092**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ADOPTING A TEXT AMENDMENT TO THE INDUSTRIAL LAND USE CLASSIFICATION IN FUTURE LAND USE ELEMENT OF THE HIALEAH, FLA., COMPREHENSIVE PLAN ALLOWING MULTIFAMILY RESIDENTIAL USES SUBJECT TO CONDITIONAL USE PERMIT ON PROPERTIES WITH INDUSTRIAL LAND USE CLASSIFICATION THAT ARE LOCATED WITHIN A QUARTER MILE OF PROPERTIES WITH MIXED USE HIALEAH HEIGHTS LAND USE CLASSIFICATION; 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 May 26, 2021 recommended the adoption of the text amendment to the Future Land Use Element of the City of Hialeah Comprehensive Plan, sitting as the local planning agency; and

**WHEREAS**, the City Council passed Hialeah, Fla., Resolution 2021-081 (June 8, 2021) and declared its intent to adopt the text amendment adopted the recommendation of the Planning and Zoning Board submitted to the Florida Department of Economic Opportunity for approval; and

**WHEREAS**, on July 28, 2021 the Department reviewed the proposed text amendment (Department reference number 21-02ESR) in accordance with the State of Florida expedited review process set for in section 163.3184 for consistency with the Hialeah, Fla., Comprehensive Plan, and Chapter 163, Part II, Florida Statutes, and the Department issued no objections, recommendations nor comments; and

**WHEREAS**, the City recognizes the necessity to adopt and implement the text amendment to expand the scope of the uses with the Industrial Land use Classification located within a quarter mile of properties with Mixed Use Hialeah Heights Land Use Classification; and

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 expand the scope of the uses with the Industrial Land use Classification located within a quarter mile of properties with Mixed Use Hialeah Heights Land Use Classification. This text amendment (Exhibit "A"), 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.**

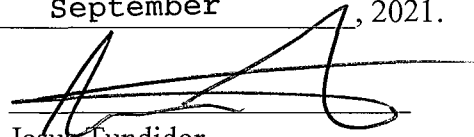
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

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.**

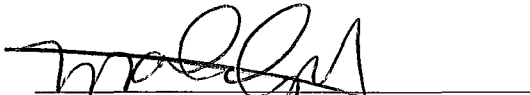
Pursuant to Florida Statutes §163.3184(3)(c)4 the effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete or if timely challenged, the date a final order is issued by the land planning agency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


PASSED and ADOPTED this 14 day of September, 2021.

  
Jesus Tundidor  
Council President

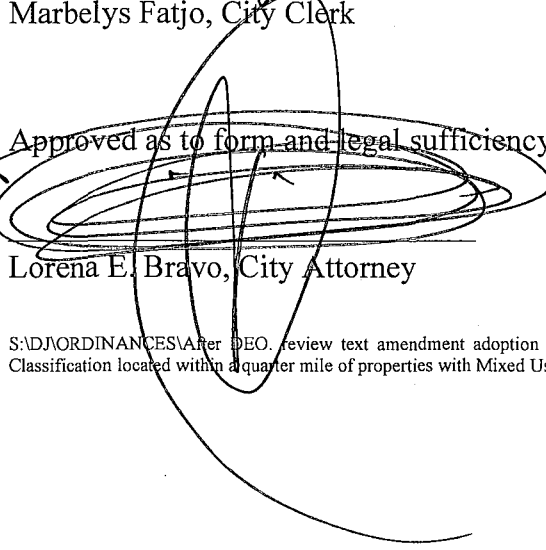
Attest:

Approved on this 21 day of September, 2021.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, De la Rosa, Cue-Fuente, Garcia-Roves, Hernandez, Peres, and Zogby voting "Yes" and Council President Tundidor absent.

**EXHIBIT "A"**

**APPLICATION  
Nº 1**

**CITY OF HIALEAH COMPREHENSIVE PLAN FUTURE  
LAND USE ELEMENT TEXT AMENDMENT**

The following lists the Policies which shall be included in the City's adopted Comprehensive Plan.

The following revisions to this Element are recommended. Recommended additions are denoted by underline; deletions by ~~strikethrough~~.

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 use categories, as defined in the date and analysis of this element.

LAND USE CATEGORIES	INTENSITY STANDARDS
***	
Industrial	Light Industrial may be adjacent to urban scale development and uses only if it is conveniently buffered and compatible with adjacent neighborhood. No minimum floor area. Maximum F.A.R. of 1.5. Heavy Industrial shall be located on 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. 15,000 sf, minimum building site for industrial park buildings. Maximum lot coverage 50% Property owners in the Neighborhood Business District may request approval of up to 70 units per acre with incentives in a vertical mixed-use environment, and the request may be approved by the City

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	<p>only after compliance with all adopted Level of Service standards is FUTURE LAND USE ELEMENT Page 6 demonstrated through concurrency impact review. The required mix of uses for development and redevelopment in the Neighborhood Business District Overlay is 10% to 20% retail and/or office and 80% to 90% office and/or residential.</p> <p><u>Industrial property within a quarter mile of the Hialeah Heights Commercial Development District may request approval of multifamily residential developments up to 32 units/gross acre, the request is subject to the approval of a Conditional Use Permit to evaluate traffic impacts of the proposed development, vehicular and pedestrian connectivity to the commercial portion of the mixed use district and compatibility with dissimilar uses.</u></p>
<p>***</p>	