

ORDINANCE NO. 2019-036

ORDINANCE REPEALING AND RESCINDING THE GROWTH MANAGEMENT ADVISORY COMMITTEE (GMAC) AND ANY REFERENCES TO SAME FROM THE HIALEAH CODE OF ORDINANCES; CHAPTER 98 ZONING; IN ARTICLE II ADMINISTRATION, DIVISION 1 GENERALLY, SECTION 98-38 RECORD OF QUASI-JUDICIAL PROCEEDINGS—ZONING ITEMS; DIVISION 2 LOCAL PLANNING AGENCY, SECTION 98-73 GROWTH MANAGEMENT ADVISORY COMMITTEE; DIVISION 6 CONDITIONAL USE PERMITS, SECTION 98-181(4) CUP CONDITIONAL USE PERMIT; IN ARTICLE V ZONING DISTRICT REGULATIONS, DIVISION 9 RO RESIDENTIAL OFFICE DISTRICT, SECTION 98-785 IMPROVEMENT PLAN; DIVISION 33 NBD NEIGHBORHOOD BUSINESS DISTRICT, SECTION 98-1630.3 DEVELOPMENT STANDARDS, SUBSECTION (d) BUILDING FRONTAGE; AND IN ARTICLE VI SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5 USES, SUBDIVISION I IN GENERAL, SECTION 98-1736 PERMITTED SIMILAR USES; AND REPEALING AND RESCINDING THE GROWTH MANAGEMENT ADVISORY COMMITTEE (GMAC) FROM THE HIALEAH LAND DEVELOPMENT CODE AND ANY REFERENCES TO SAME; IN REGULATION NO. 1 - LAND DEVELOPMENT PROCEDURES, SECTION 1-2 PROCEDURES FOR APPLICATIONS FOR DEVELOPMENT ORDERS, SUBSECTION (f)(2)(c) GROWTH MANAGEMENT ADVISORY COMMITTEE REVIEW; IN REGULATION NO. 2 - USES OF LAND AND WATER, SECTION 2-3 REQUIREMENTS FOR THE USE OF LAND AND WATER, SUBSECTION (c)(2), CONDITIONAL USE PERMIT (CUP) REQUIREMENTS; IN REGULATION NO. 10 - SUBDIVISION OF LAND, SECTION 10-3 PLATS AND PLATTING PROCEDURE, SUBSECTION (a) UNLAWFUL ACTS; AND IN SECTION 10-5(c) SITE PLAN REVIEW; 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 at its meeting of March 13, 2019 recommended approval this ordinance.

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

Section 1: The Growth Management Advisory Committee (GMAC) and any references to same are hereby repealed and rescinded from the Hialeah Code of Ordinances Chapter 98 Zoning; in Article II Administration, Division 1 Generally, Section 98-38 Record of Quasi-Judicial Proceedings—Zoning Items; Division 2 Local Planning Agency, Section 98-73 Growth Management Advisory Committee; Division 6 Conditional Use Permits, Section 98-181(4) CUP Conditional Use Permit; in Article V Zoning District Regulations, Division 9 RO Residential Office District, Section 98-785 Improvement Plan; Division 33 NBD Neighborhood Business District, Section 98-1630.3 Development Standards, Subsection (d) Building Frontage; and in Article VI Supplementary District Regulations, Division 5 Uses, Subdivision I In General, Section 98-1736 Permitted Similar Uses; and repealing and rescinding the Growth Management Advisory Committee (GMAC) from the Hialeah Land Development Code and any references to same; in Regulation No. 1 - Land Development Procedures, Section 1-2 Procedures for Applications for Development Orders, Subsection (f)(2)c. Growth Management Advisory Committee Review; in Regulation No. 2 - Uses of Land and Water, Section 2-3 Requirements for the use of Land and Water, Subsection (c)(2), Conditional use permit (CUP) requirements; in Regulation No. 10 - Subdivision of Land, Section 10-3 Plats and Platting Procedure, Subsection (a) Unlawful Acts; and in Section 10-5(c) Site Plan Review, as follows:

CHAPTER 98 - ZONING

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ARTICLE II. - ADMINISTRATION

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DIVISION 1. – GENERALLY

Section 98-38. - Record of quasi-judicial proceedings—Zoning items.

The record of quasi-judicial proceedings on zoning items shall include any petition for rezoning, variance, special use permit, conditional use permit, adjustment, final decision or other zoning item; and disclosures, affidavits, radius maps, site plans, surveys, sketches, charts, drawings, photographs, landscaping plans, elevations, written objections, waivers, consents and other documents submitted with or in connection with the petition; principal planner's report, GMAC report...

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DIVISION 2. - LOCAL PLANNING AGENCY

Section 98-73. Reserved. ~~growth management advisory committee.~~

~~The growth management advisory committee, comprised of city personnel as described in section 98-1736 hereof, shall provide recommendations to the planning and zoning board (the city's local planning agency) on applications for a conditional use permit (CUP); special use permit (SUP); land use plan amendment; platting, replatting or waiver of plat; a large scale development as submitted for recommendation by the planning and zoning official; and rezoning or a variance that may significantly impact the abutting properties or surrounding neighborhood as submitted for recommendation by the planning and zoning official, including all zoning applications or adjustments on property located in Deer Park. The recommendations may be in the form of an approval, denial or an approval with recommended changes or conditions.~~

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DIVISION 6. - CONDITIONAL USE PERMITS

Section 98-181. – CUP conditional use permit.

(4) ~~The growth management advisory committee (GMAC) shall consider the following factors in making its recommendation to the planning and zoning board: a. Compatibility with surrounding uses. b. Sufficient and adequate parking and traffic circulation pattern. c. Appropriate setbacks and landscape buffer and/or fencing or wall to minimize any adverse impacts.~~

(45) The granting of a CUP conditional use permit by the city council shall provide the conditions and limitations of use within section 98-133. A declaration of restrictive covenants providing such conditions and limitations of use shall be incorporated in section 98-133 and shall be recorded in the public records of the county, after the effective date of the ordinance from which this division is derived.

(56) Any departure, change, or violation of the section granting the conditional use permit will be in violation of the zoning code and cause revocation of the occupational license and repeal the rescission of the ordinance granting the conditional use. Repeal of the CUP conditional use permit may be initiated by the city, property owner, or objector by repeal and rescission of this division and release and cancellation of the declaration of restrictive covenants. Revocation of license shall be provided by decision of the city council, upon a duly noticed hearing.

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ARTICLE V. - ZONING DISTRICT REGULATIONS

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DIVISION 9. - RO RESIDENTIAL OFFICE DISTRICT

Sec. 98-785. - Improvement plan.

In the RO residential office district, the property owner must submit a plan for improvement of the property ~~to be approved by the growth management advisory committee (GMAC).~~ The ~~growth management advisory committee~~ city may designate an architect or other qualified professional to review the plan for its architectural character, compatibility with the surrounding area and consistency with the purpose of this district...

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DIVISION 33. - NBD NEIGHBORHOOD BUSINESS DISTRICT

Sec. 98-1630.3. - Development standards.

(d) *Building frontage.* Any building that fronts an existing or proposed street shall provide building frontage of 100 percent, at the base; a minimum of 60 percent building frontage for the middle; and a minimum of 40 percent building frontage for the cap or penthouse, except that building frontages may be modified by ~~GMAC~~ the city if compatibility with adjacent buildings would allow for consideration of different building frontage ratios.

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ARTICLE VI. - SUPPLEMENTARY DISTRICT REGULATIONS

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DIVISION 5. - USES

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SUBDIVISION I. – In General

Sec. 98-1736. - Permitted similar uses.

Regarding any zoning classification, the planning director, ~~upon recommendation of the growth management advisory committee (GMAC)~~, shall determine similar uses, which are not specifically enumerated...

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PART III - LAND DEVELOPMENT CODE

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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.

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REGULATION NO. 2 - USES OF LAND AND WATER

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,...

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REGULATION NO. 10 - SUBDIVISION OF LAND

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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...

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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: 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 5: Effective Date.

This ordinance shall become effective when passed by the City Council and 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.

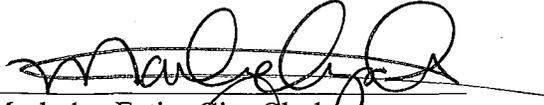
PASSED and ADOPTED this 9 day of April, 2019.

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


Vivian Casals-Munoz
Council President

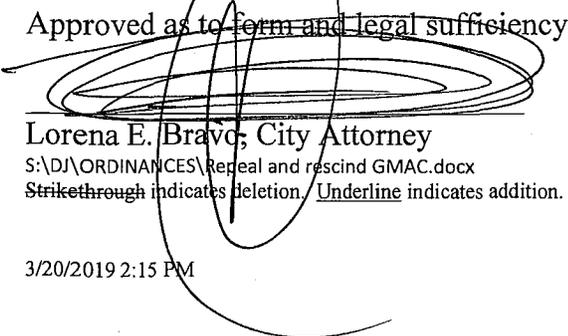
Attest:

Approved on this 15 day of April, 2019.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Caragol, Zogby, Casals-Munoz, Hernandez, Garcia-Martinez and Cue-Fuente voting "Yes", and with Councilmember Lozano absent.

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Strikethrough indicates deletion. Underline indicates addition.