

ORDINANCE NO. 2016-67

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE II. ADMINISTRATION, DIVISION 7 ZONING CHANGES, OF THE CODE OF ORDINANCES, AND IN PARTICULAR AMENDING SECTION 98-195 ENTITLED "FEES" PROVIDING FOR FEES RELATED WITH THE REVIEW, EVALUATION OR APPROVAL OF LAND USE AND ZONING APPLICATIONS WITHIN A TRANSIT ORIENTED DEVELOPMENT DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of October 12, 2016 recommended approval of this ordinance.

WHEREAS, the City has adopted comprehensive regulation for developments within Transit Oriented Development (TOD) Districts; and

WHEREAS, in order to ensure consistency of development, provide for the costs of administration, proper application of district regulations and review of applications for development in the TOD District; and

WHEREAS, the general purpose and intent of this ordinance is to promote zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and proper administration of its government.

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

Section 1: Chapter 98 entitled "Zoning" of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 98

ZONING

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ARTICLE II. ADMINISTRATION

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DIVISION 7. ZONING CHANGES

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Sec. 98-195 - Fees.

For purposes of this subsection, the term "parcel" shall mean "a plot of land defined by a specific and complete legal description for an independent surveyor to locate and identify under the same ownership and for which the same amendment is sought."

- (a) Any amendment to the future land use map shall be made by application on a form provided by the planning and ~~development department~~ zoning division and shall require payment of a fee to the city in the sum of \$3,000.00 for each parcel of land or property that is one acre or less and \$100.00 for each additional acre or fraction thereof, for which an amendment to the future land use map is sought. Applications for land use amendments to Transit Oriented Development (TOD) shall require payment of a fee to the city in the sum of \$15,000.00 for each parcel of land or property that is one acre or less and \$100.00 for each additional acre or fraction thereof.

- (b) Zoning applications. Any request for a change of zoning, which change is consistent with the future land use map, shall be made on a form provided by the planning and ~~development department~~ zoning division and shall require payment of the fee listed below based on the current zoning designation for each parcel of land or property that is one acre or less and \$50.00 for each additional acre or fraction thereof, to defray the cost thereof.

R1 and R-2	\$1,000.00
R-4	\$1,800.00

R-3	\$2,000.00
RO and OPS	\$2,500.00
B-1, C-1, C-2, C-3, C-4, M-1, M-2 and P	\$3,000.00
<u>TOD</u>	<u>\$ 4,500.00</u>

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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 convicted of a violation of 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 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 Code.

The provisions of this ordinance shall be included and incorporated in the 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 Code.

Section 5: Severability Clause.

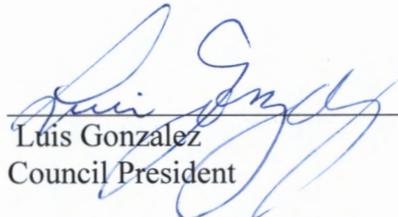
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and 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 8 day of November, 2016.

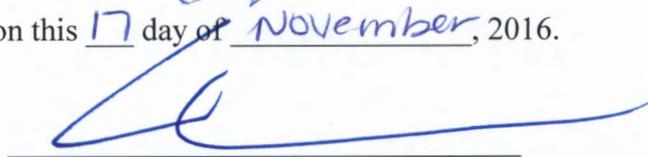
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.


Luis Gonzalez
Council President

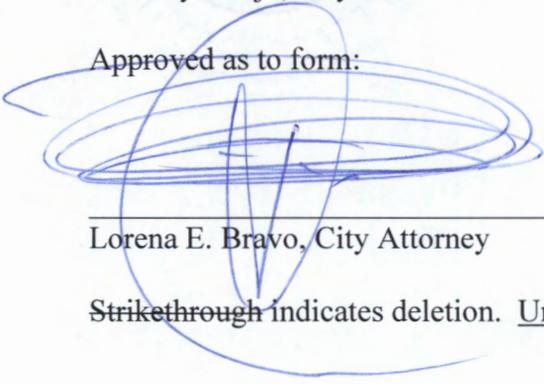
Attest:

Approved on this 17 day of November, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

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

~~Strikethrough~~ indicates deletion. Underline indicates addition.