

ORDINANCE NO. 2016-68

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 26 ENTITLED "TRANSIT ORIENTED DEVELOPMENT DISTRICT" OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION 98-1559 ENTITLED "DESIGN REVIEW COMMITTEE" FOR THE PURPOSE OF REVIEWING PROPOSED APPLICATIONS TO ENSURE CONSISTENCY WITH GOALS AND OBJECTIVES OF THE TOD DISTRICT; PROVIDING FOR MEMBERS AND DUTIES; 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 established Transit Oriented Development Districts ("TOD District") generally within one-half mile from the Tri-Rail stations in the City; and

WHEREAS, the TOD District regulations promote and enhance livability and mobility by increasing residential options, enhancing the street experience for all modes of transportation, creating open spaces and promoting the establishment of businesses oriented to commuters and residents within the District;

WHEREAS, in order to ensure proper application of design standards to development within the TOD District the regulations requires the creation of a design review committee; 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

* * *

ARTICLE V. ZONING DISTRICT REGULATIONS

* * *

DIVISION 26. TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT

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Sec. 98-1559. Design Review Committee.

The purpose of the Transit Oriented Development Design Review Committee (TOD-DRC) is to provide an in depth review of the proposed projects in the TOD district to ensure that the proposed applications are consistent with the goals and objectives and architectural, streetscape and landscape standards of the TOD District regulations.

(a) *Membership.* The TOD-DRC shall be composed of three members: the Planning and Zoning Official, the Streets Department Director and the Parks and Recreation Department Director.

(b) *General Powers, Functions and Duties.* The TOD-DRC shall review the proposed development for consistency with the purpose, goals, objectives and requirements of the TOD District and all other duties as provided for by the district regulations. In order to carry out its duties, the TOD-DRC may engage the services of consultants or professionals in the fields of

urban planning, design, architecture or related fields to enable them to adequately and thoroughly review, evaluate and make recommendations on any application before the TOD-DRC. A finding of consistency by the TOD-DRC is required prior to a hearing on a petition for rezoning by the Planning and Zoning Board.

(c) *Plan Consistency.* After a finding of consistency as provided in subsection (b), the application shall be scheduled for a rezoning hearing pursuant to all procedural requirements provided in this Chapter. If the TOD-DRC finds the proposed development inconsistent with the TOD District requirements, it shall issue a written recommendation as to how the proposed plan may be amended. The developer shall resubmit the proposal in compliance with the TOD-DRC recommendations to the TOD-DRC.

(d) *Pre-Application Conference Required.* The applicant shall meet with the staff of the Planning and Zoning Division prior to submitting the application, to discuss basic site plan procedures and requirements, and to consider the elements of the site in question and the proposed development.

(e) *Submittal Requirement.* The developer shall submit the following to the Planning and Zoning Division for the TOD-DRC review unless modified or waived by the Planning and Zoning Official:

- (1) Ten (10) Copies of the proposed site plan and floor plans.
- (2) Ten (10) Copies of a Survey dimensioned and drawn to the same scale as the proposed site plan.
- (3) Ten (10) Copies of the appropriate details to each specific parcel. Included but not limited to facades, proposed open public spaces and road cross-sections.
- (4) Any other information reasonably required by the Planning and Zoning Official or the TOD-DRC.

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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.

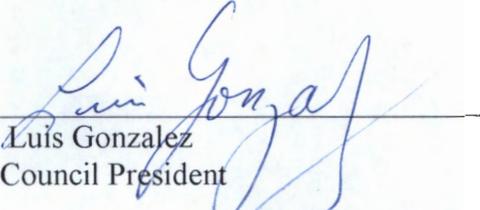
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

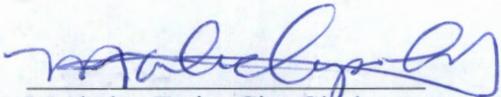
PASSED and ADOPTED this 8 day of November, 2016.

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

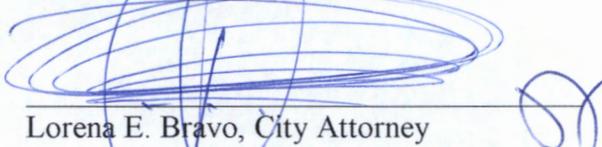
Attest:

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.