



A Guide to City Services: **PLANNING AND ZONING DIVISION**



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From your City to you

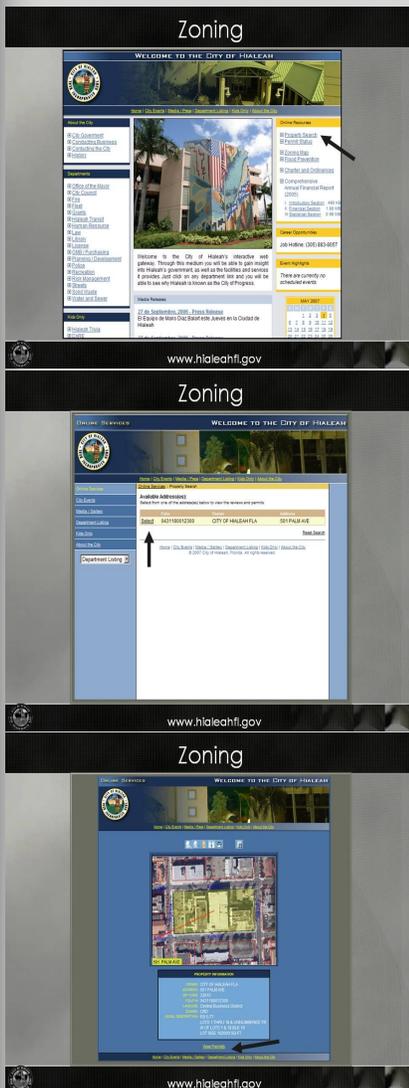
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This guide was produced to better inform residents on how the Hialeah Planning and Zoning Division operates. It is intended to be an easy-to-use manual that highlights the services most often used by the residents. To locate the area of interest to you, look in the Table of Contents. We hope this guide will be beneficial.



Visit us for information
and applications on the
web:

www.HialeahFL.gov



Things to keep in mind...

- ◆ It is advisable to meet with the PLANNING & ZONING DIVISION prior to applying for a variance, adjustment, rezoning, before preparing plans for a development or redevelopment, and before deciding to establish a business at an existing site. If necessary, an appointment can be arranged with the Planning and Zoning Official. It is important to discuss your proposed development with the PLANNING & ZONING DIVISION because while certain uses may be allowed in a particular zoning classification, the layout or location may not be suitable for your proposed or intended use.
- ◆ For all plans review and processing, if the applicant is not the Property Owner, then the applicant must have a notarized authorization letter from the owner and all forms must be signed by the Property Owner and notarized or witnessed as necessary.
- ◆ Please provide accurate and current documentation. Surveys are considered outdated after six months.
- ◆ The zoning classification of properties within the city can be searched online at [www.hialeahfl.gov/Property Search](http://www.hialeahfl.gov/PropertySearch).
- ◆ The City of Hialeah Code of Ordinances can be searched online at [www.municode.com/Chapter 98-Zoning](http://www.municode.com/Chapter98-Zoning).

Disclaimer: All information contained in this manual is current to the date of publication. This guide does not supersede the City of Hialeah Code of Ordinances or any other applicable law.

Hialeah City Services

City of Hialeah - City Hall

501 Palm Avenue
Hialeah, FL 33010

Planning and Zoning Division, City Hall, 2nd Floor

Debora Storch, Planning and Zoning Official
(305)883-5825

Re-Occupancy, City Hall, 2nd Floor

Robert Gonzalez, Inspector
(305)883-8076

Building Division, City Hall, 2nd Floor

Richard Rubi, Building Official
(305)883-5825

Office of the City Clerk, City Hall, 3rd Floor

David Concepción, City Clerk
(305)883-5820

City Council Chambers, City Hall, 3rd Floor

Code Compliance Division, City Hall, 1st Floor

Violeta Blanco, Official
(305)375-2901

Local Business Tax Division (Formerly Occupational License) City Hall, 1st Floor

Ruben Suarez, Official
(305)883-5890

Water & Sewer Department

3700 West 4th Avenue, Hialeah, FL 33012
Armando Vidal, Director
(305)556-3800

Miami-Dade County Services

Department of Environmental Resources Management

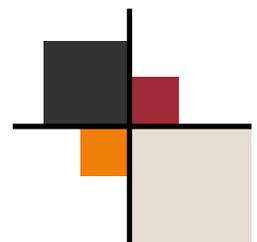
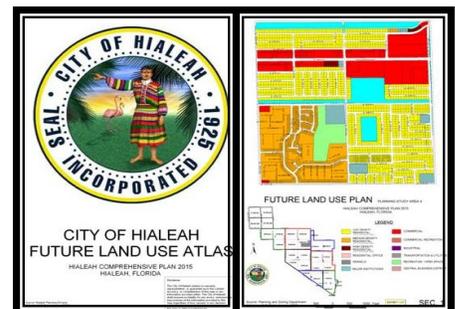
(DERM) Hialeah Branch, City Hall, 2nd Floor
(305)492-2004(For Local Business Tax Receipt Applications ONLY)

Department of Environmental Resources Management (DERM)

General Information: (305)372-6789

Water and Sewer Department (WASD)

(305) 665-7488



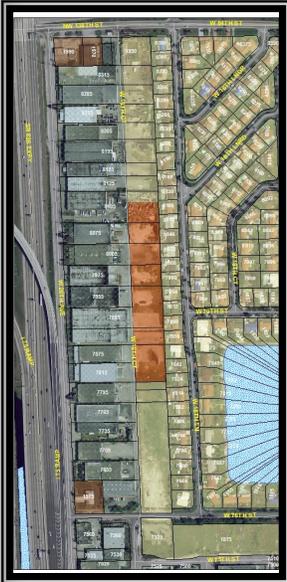
SITE PLAN REVIEW

What is the SITE PLAN REVIEW process and when does it apply?

A site plan is a drawing that depicts the intensity, density, height and setbacks of a proposed project to the site itself, along with parking, drainage, landscaping, sidewalk and other site construction details. A site plan may be required to determine whether a proposed development complies with the city's regulations as reflected in the city's code of ordinances.

The site plan should show the existing and proposed conditions on the lot(s) including all uses on the site, building footprints, heights, drainage, driveways, landscaping, parking, screening, setbacks, sidewalks, topography, utilities, vegetation and any other information required to determine compliance with all applicable regulations.

In addition to the land use and zoning issues related to a proposed project, access issues are also addressed at the site plan review stage. Access issues may include a range of factors for review such as the layout of proposed driveways, the number of parking spaces, handicap accessibility, the ability of a project to meet recommended traffic circulation standards, and potential traffic impacts such as the estimated number of trips per day a proposed use is estimated to generate. Stormwater retention and environmental review are also part of the site plan process. Meeting the City's landscaping ordinance, identifying protected trees, engineering and related drainage concerns, are integral to the process, and are specific elements reviewed at this stage. The sufficiency and delivery of city services as well as safety concerns are other components of site plan review. For example, with regard to fire safety, site plan review should consider whether fire trucks will be able to reach a site quickly or whether fire trucks will be able to park in the proposed site to serve the building in an emergency. These are some important safety concerns that are considered at this stage.



What is the CONCURRENCY REVIEW process and when does it apply?

In most cases, proposed new construction, additions to existing buildings or conversions of existing buildings are required to go through concurrency review as a part of the development approval process. The purpose of the concurrency review is to determine whether there is enough capacity on the roadway network and in other public facilities to handle the impacts of a proposed project. In addition, through the concurrency review, a portion of the available capacity in the public facilities is reserved for the proposed project.

Please Note:

An applicant should expect Concurrency and Site Plan Review Process to take no less than six weeks.

SITE PLAN REVIEW

What are the steps in the SITE PLAN & CONCURRENCY REVIEW Processes?

1. Submit three sets of plans and corresponding fees to the PLANNING AND ZONING DIVISION. Make sure to include all the required documents and information requested in the SITE PLAN REVIEW REQUIREMENTS information page, available at the front counter in the PLANNING AND ZONING DIVISION. Plans will be stamped and assigned a process number. Please Note: New construction, additions to existing buildings, change of use in existing buildings and some particular uses are required to go through Concurrency Review along with Site Plan Review. If required, a Sewer Capacity Certification Letter Application must be obtained. The Application is available at the front counter in the PLANNING AND ZONING DIVISION.

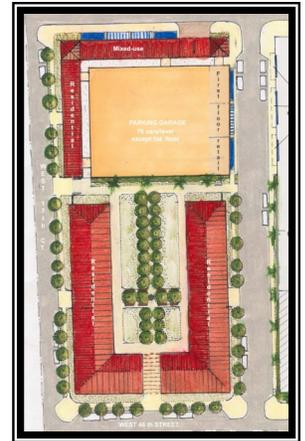
If a Sewer Capacity Certification Letter is required:

- A. Submit a complete application to the City of Hialeah's Water & Sewer Department located at 3700 West 4th Avenue and request that the Department complete Section 2 of the application.
- B. Submit the Application to the Miami Dade County's Department of Environmental Resources Management (DERM) for an ALLOCATION Letter.
- C. Once you receive the ALLOCATION Letter, visit Miami-Dade County's Water and Sewer Department (WASD) to pay impact fees.
- D. DERM-stamped plans and all receipts must be submitted to the PLANNING AND ZONING DIVISION for review by all applicable City Departments.

2. City staff will take plans to all appropriate departments for review. These departments are Fire Department, Flood Criteria Review, Streets Division, Stormwater Division, Solid Waste Division, Parks & Recreation Department, and Construction and Maintenance Department.

3. City staff will contact the applicant throughout the process to inform the applicant of any missing documents or specific requests to supplement the application, on a case-by-case basis. Once all departments give final approval, City staff will contact the applicant to pick-up the approved plans. (Please note that, while we will accommodate your needs, e-mail is the preferred means of communication).

4. The PLANNING AND ZONING DIVISION will keep one copy of the approved Site Plan for its records and the remaining two copies are returned to the applicant to be used as the Job and Office Copies when filing Building Division Permit Applications.



THE PLATTING PROCESS

What is the PLATTING PROCESS?

The Platting Process is a process that allows for the subdivision of a property. This grants the new parcel of land its own folio number and legal description to be registered with Miami-Dade County. This process averages three-to-nine months to complete.

What do I need to do as part of the PLATTING PROCESS?

1. Owner or Authorized Representative must turn in a complete APPLICATION FOR PLAT OF SUBDIVISION DEVELOPMENT (available at PLANNING AND ZONING DIVISION) to the PLANNING AND ZONING representative.
2. Planning staff will take proposed platting for reviews to City Departments (Streets, Parks and Recreation, Fire, Police, Planning and Zoning). A Zoning representative will contact applicant throughout the process to inform the applicant of any missing documents or special requests as it pertains to each individual case. Once ready, the tentative plat goes to the PLANNING AND ZONING BOARD for approval.
3. Once approved, the tentative plat is then submitted to Miami-Dade County for approval and it is issued a T-Plat number. The county will schedule a hearing for plat review. Once approved, the County will contact the property owner's surveyor, who will need to prepare a Mylar for the final plat. The city surveyor then reviews the final plat, makes comments, and advises applicant of the required changes that need to be made, if necessary, to comply with state regulations. Once City surveyor approves final plat, city departments are next to review for final approval.
4. Final Plat goes before the City's PLANNING AND ZONING BOARD for its review. The Final Plat has two readings before CITY COUNCIL before final approval by ordinance.
5. If the final plat is denied, the applicant has the right to modify the request and re-apply, or has the right to appeal to the 11th Circuit Court, Miami-Dade County, Appellate Division.
6. The property owner's surveyor must take the Final Plat with a certified copy of the ordinance to Miami-Dade County for recording. A copy of the recorded plat needs to be submitted to the PLANNING AND ZONING DIVISION so that the applicant can proceed with the applicant's building permit request.



NOTE: Since this is a lengthy process (6 to 9 months), the property owner may request a temporary waiver of plat to be able to process building permits while the plat is in process.

Concurrency Review and Building Permit processing can now start.

FINAL DECISIONS

In certain cases where literal interpretation and strict enforcement of zoning and land use regulations on required setbacks would result in undue or unnecessary hardship to the property owner, the property owner has the right to petition for an adjustment. In order to grant an adjustment, the PLANNING AND ZONING BOARD and CITY COUNCIL must review the petition and make a determination.

What is a FINAL DECISION?

When new construction, additions or legalizations do not meet the setbacks required by law, the property owner can petition the PLANNING AND ZONING BOARD for an exception. The PLANNING AND ZONING BOARD issues final decisions on petitions for setback adjustments as provided by city code. The City Council reviews the final decision de novo and if upheld, a resolution is adopted.

What is the public hearing process for FINAL DECISIONS?

Begin by completing an application for a FINAL DECISION available in the PLANNING AND ZONING DIVISION or online at:

<http://hialeahfl.gov/dept/planning/planning/forms/pdfs/Final%20Decision%20Application.pdf>

1. Submit the complete application together with all required materials and copies to the Planning and Zoning Division. A Zoning representative will contact the applicant throughout the process to inform the applicant of any missing documents or specific requests to supplement the application, on a case-by case basis. A hearing date before the PLANNING AND ZONING BOARD AND CITY COUNCIL to hear the petition will be set after verification that all the necessary information is on file.

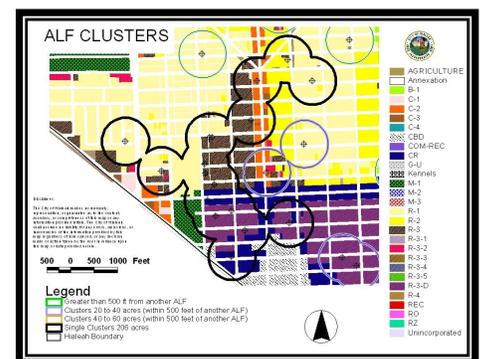
2. The Planning staff prepares a report and recommendation for consideration by the PLANNING AND ZONING BOARD when making its final decision. The report generally details the conditions on the property and its development history, the proposed improvement, the requirements of the zoning code in light of the proposed improvement, the nature of the request, its impact on neighboring properties and an opinion or recommendation on whether the petition should be granted or denied.

3. The PLANNING AND ZONING BOARD reviews the application and report and recommendation made by the Planning staff and hears testimony and receives any additional evidence in support or against the application at the hearing. The PLANNING AND ZONING BOARD makes a final decision which is later ratified by resolution by the City Council, if the City Council agrees with the final decision.

4. The City Council holds the first and only reading of the resolution upholding the PLANNING AND ZONING BOARD'S final decision unless Council overturns the PLANNING AND ZONING BOARD'S final decision acting in its review capacity.

The PLANNING AND ZONING BOARD meets every second and fourth Wednesday of the month, except for recess in July, at 7:00 p.m. in the City Council Chambers on the 3rd Floor of City Hall.

The CITY COUNCIL meets every second and fourth Tuesday of the month, except for recess in July, at 7:00 p.m. in the City Council Chambers on the 3rd Floor of City Hall.



VARIANCES, RE-ZONING, SPECIAL USE PERMITS, CONDITIONAL USE PERMITS

What is a VARIANCE?

When new construction, additions, or legalizations do not meet lot coverage, setbacks, distance separation, dimensions, landscaping, green area, or parking, required by law, the property owner can request a variance. VARIANCES require consideration by the PLANNING AND ZONING BOARD and two readings before the CITY COUNCIL. Zoning VARIANCES are granted by Ordinance.

What is a SPECIAL USE PERMIT?

When a proposed use, because of its inherent nature, extent, and external effects is not appropriate for a particular zoning district, it might be allowed, if on review specific conditions may be imposed to ensure it is located, designed and operated in a manner that is in harmony with neighboring development and does not adversely affect the public health, safety and general welfare, through a SPECIAL USE PERMIT. SPECIAL USE PERMITS require consideration by the PLANNING AND ZONING BOARD and two readings before the City Council. SPECIAL USE PERMITS are granted through an Ordinance.

What is a CONDITIONAL USE PERMIT?

Certain uses permitted within a particular zoning district that are deemed to have extraordinary impacts with the surrounding area require a CONDITIONAL USE PERMIT. These uses are identified in the city code. The following are the uses that require a CONDITIONAL USE PERMIT: cemeteries, community correctional centers or prisons, public garages (lots and/or structures), funeral homes, hospitals, houses of worship, hotels and motels, childcare facilities on properties zoned R-1, private, charter, vocational and technical schools, post-secondary educational facilities, colleges and universities. CONDITIONAL USE PERMITS require consideration by the PLANNING AND ZONING BOARD and two readings before the CITY COUNCIL. CONDITIONAL USE PERMITS are granted through an Ordinance that follows the subject property, regardless of ownership.

What is RE-ZONING?

RE-ZONING is the reclassification of a property from one zoning classification to another, compatible with the existing land use designation. The rezoning of a parcel may be required if the owner wishes to utilize the property for a use that is not permitted in the current zoning classification, but is permitted in another zoning classification. For example, a property that has commercial land use and C-1 zoning might be re-zoned to C-2 to allow a use not allowed in C-1. RE-ZONINGS require consideration by the PLANNING AND ZONING BOARD and two readings before the CITY COUNCIL. RE-ZONINGS are granted through an Ordinance.



What is the public hearing process for VARIANCES, RE-ZONING, SPECIAL USE PERMITS, and CONDITIONAL USE PERMITS?

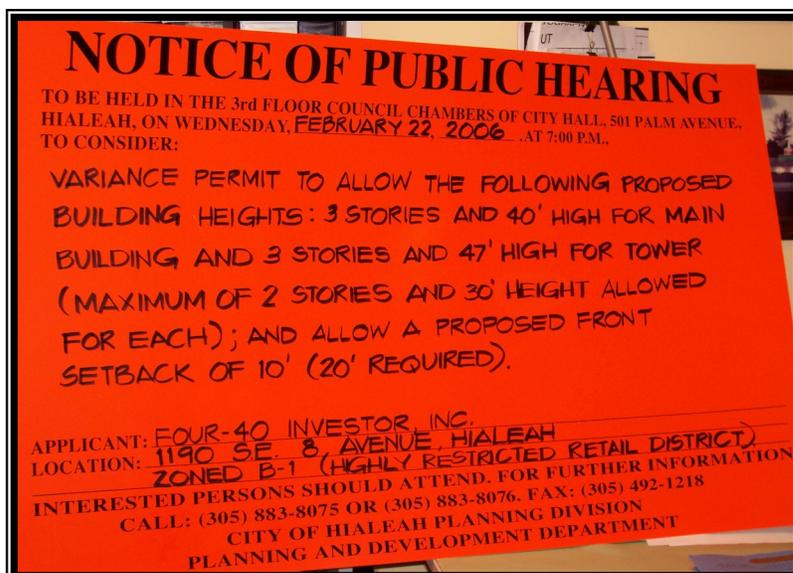
The public hearing process for VARIANCES, RE-ZONING, SPECIAL USE PERMITS and CONDITIONAL USE PERMITS is similar to process for FINAL DECISIONS except that the PLANNING AND ZONING BOARD hears the petition and makes a recommendation to approve or deny the petition to the CITY COUNCIL. The CITY COUNCIL is the final adjudicating body and approves petitions by ordinance. Approval by ordinance means that the Council must hear the item twice.

Begin by completing an application available in the PLANNING AND ZONING DIVISION or online at: <http://hialeahfl.gov/dept/planning/planning/>

Then, steps 1, 2, and 3 in the public hearing process are the same as for FINAL DECISIONS described above.

The City Council holds the first reading of the ordinance at the first regular meeting of the CITY COUNCIL after the PLANNING AND ZONING BOARD makes its recommendation.

If approved, the City Council holds second reading and public hearing at the next City Council meeting. If approved on second reading, ordinance is sent to the Mayor for final approval. The Mayor has the power to sign the ordinance, withhold his signature or veto the ordinance. If denied, the applicant has the right to modify the request and re-apply if the item has been recommended for denial by the Planning & Zoning Board and also denied by the City Council, or has the right to appeal to the 11th Circuit Court, Miami-Dade County, Appellate Division.



Important Note:

Remember that the approval of a FINAL DECISION, VARIANCE, REZONING, SPECIAL USE PERMIT, OR CONDITIONAL USE PERMIT, is generally, only the first step of the process. Once the FINAL DECISION, VARIANCE, REZONING, SPECIAL USE PERMIT, OR CONDITIONAL USE PERMIT is granted, the applicant should apply for a Building permit.

CERTIFICATE OF RE-OCCUPANCY

What is a CERTIFICATE of RE-OCCUPANCY ?

A CERTIFICATE of RE-OCCUPANCY is a document issued by the City of Hialeah that confirms, after an inspection of the property, that the number of living units on a residential property is consistent with the number of living units allowed according to the property's zoning classification and how it was developed. By local ordinance, a CERTIFICATE OF RE-OCCUPANCY is required at the time of closing sale on property zoned for use as a single-family residence, duplex, or townhouse.

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Receiving a CERTIFICATE of RE-OCCUPANCY does not constitute a representation or warranty as to the conditions or any aspect of such conditions of the dwelling or other structures on the property for which the certificate is issued. It is the responsibility of the buyer to know the present state or conditions on the property materially affecting the value of the property before purchasing it. Otherwise, the buyer may inherit building, zoning, or other code violations, fines or liens upon purchasing. Interested persons are advised and encouraged to conduct an independent property inspection and take additional steps, such as obtaining a complete history of permits for the structures and other improvements on the property, to determine its condition, and obtaining the status of any pending code violations or orders.

The image shows a sample Certificate of Re-Occupancy form for the City of Hialeah. The form is titled "Certificate of Re-Occupancy" and is divided into three columns: "One-Family Residence", "Duplex", and "Townhouse". Each column contains a form with various fields for information such as "File Number", "City of Hialeah", "Certificate of Re-Occupancy", "One-Family Residence", "Duplex", and "Townhouse". The form includes sections for "Signatures of City Inspector" and "Signatures of Property Owner", and a "DECLARATION" section at the bottom. The form is presented as a grid of three columns, each representing a different type of residential property.

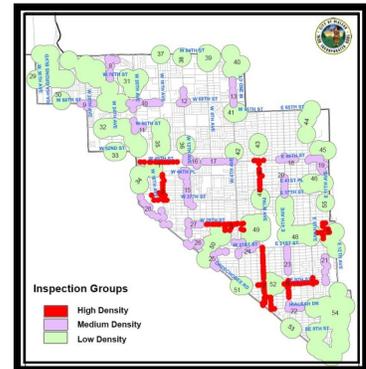
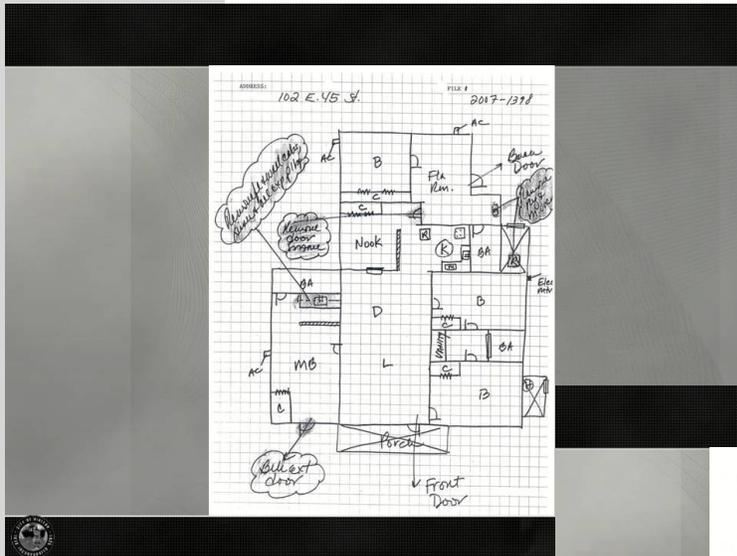
How to Obtain a CERTIFICATE of RE-OCCUPANCY

In order to obtain a CERTIFICATE OF REOCCUPANCY, you must:

1. Fill out an APPLICATION FOR A CERTIFICATE OF RE-OCCUPANCY available at the Re-Occupancy counter in the PLANNING AND ZONING DIVISION on the 2nd floor at City Hall. Please have accurate property information and current ownership information available.
2. Hand in the completed application to the Zoning Clerk. The application cannot be submitted by fax. At the same time, you must pay the fee of \$50.00 to process the application and conduct an inspection of the property. If you need expedited processing, you can pay a higher fee of \$100.00. Proof of property ownership is required.
3. You will be notified by a City Inspector of the date and time of the inspection. If you anticipate scheduling conflicts, please call ahead within a few days of handing in your application, to schedule the inspection at the next available date and time that is convenient to you. These inspections certify that the property inspected complies with occupancy requirements, i.e. no additional living units or imminent Life Safety concerns.
4. If the property is in compliance with the occupancy requirements and passes inspection, then your application will be approved and the CERTIFICATE OF RE-OCCUPANCY will be issued. It is your responsibility to call for the results of the inspection and pick up your CERTIFICATE OF RE-OCCUPANCY once issued.
5. If the property is NOT in compliance and fails inspection, you will receive a notification call within a few days to explain how to proceed and what steps are necessary to comply. (Please refer to the flow chart on the following page to understand your options more fully if your property fails inspection.) Once your property is in compliance after re-inspection, a CERTIFICATE OF RE-OCCUPANCY will be issued.

A CONDITIONAL CERTIFICATE OF RE-OCCUPANCY may be issued in cases where the buyer is willing to and commits him or herself to do the necessary repairs for compliance after closing. In some instances, a DECLARATION OF USE AFFIDAVIT will be required from the buyer. In this case, a copy of the SALES CONTRACT is required in order to prepare the necessary documentation.





Inspection Report

CITY OF HIALEAH
CERTIFICATE OF RE-OCCUPANCY
INSPECTION REPORT

Address: 102 East 45 Street | Folio#: 04-3106-045-0200

Indicate whether the project(s) complies with Hialeah Code § 98-411 requirements listed: Intent to Use, Use Design, and Interior Construction with Architectural Drawings Use. (Single apartment, a room or suite of rooms within a residential structure managed, intended or designed to be used as a home or residence of an individual or one family or a residential unit as provided by the applicable zoning code. The presence or appearance of a second or additional one family residence as indicated by the installation and/or use of, shall constitute a violation under the Hialeah Code § 98-411.

Existing Zoning: R-1 | File number: 2007-1398

THE DWELLING UNIT MAY ONLY BE LEGALLY OCCUPIED AS
 One Family | Duplex | Townhouse

Approved Date: _____ Date of Certificate (if issued): _____
 Denied/Contact for Reinspection 3-20-07 Compliance Due Date: _____
 Reinspection Fee: \$25.00

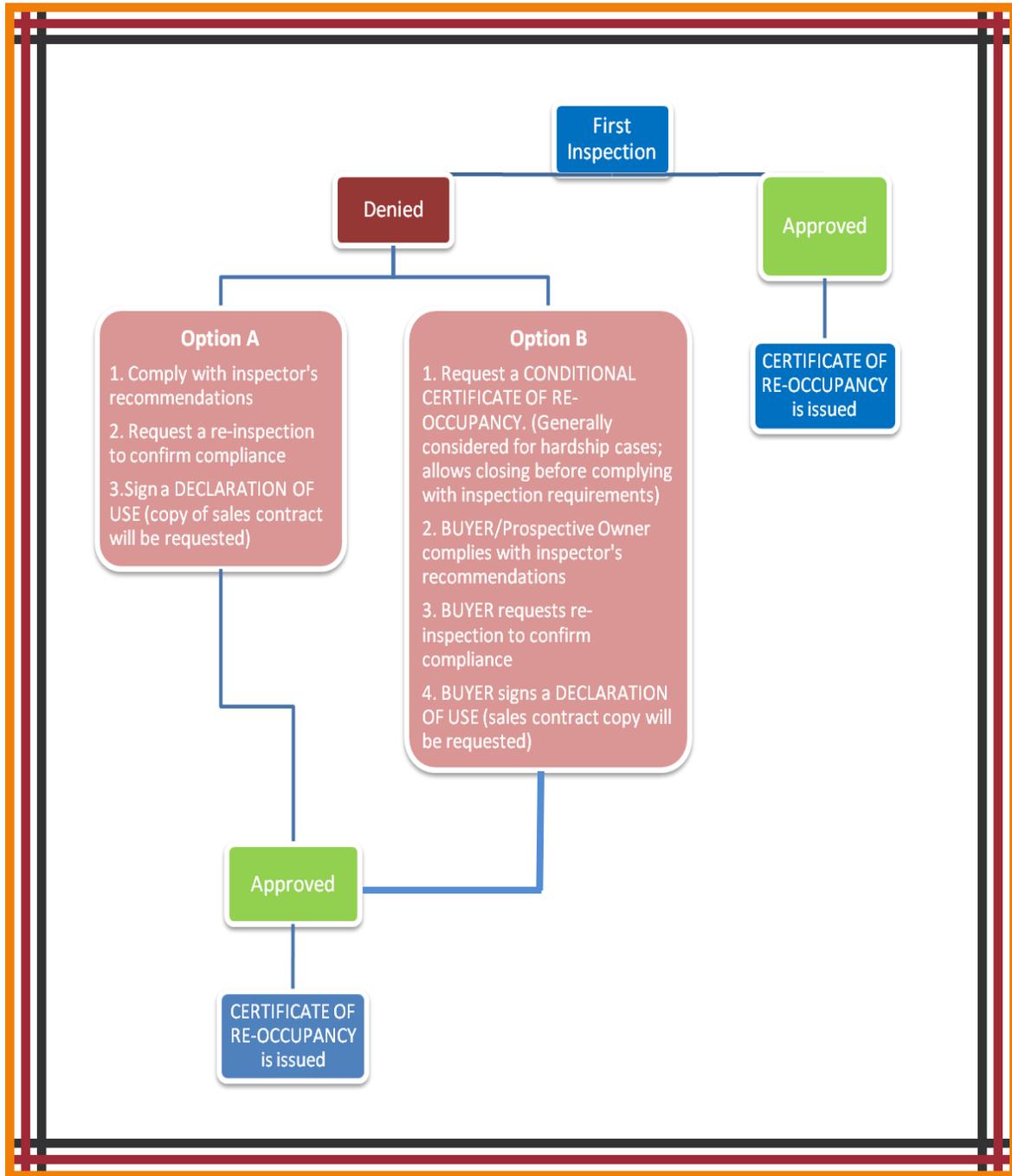
Comments/Correction (note any attachments):
 Block exterior door from MB w/ CBS blocks & finish on both sides; Remove floor & wall cabinets, sink & all exposed pipe, pipes remaining from MB area completely;
 Remove door frame in hallway area to rear addition; Remove microwave oven in LR, RM area and extra refrigerator in storage room.

Reoccupancy / Zoning Inspector: *Esther Perry* Date: 3-21-07
 Printed name: Esther Perry
 Planning and Zoning Department Date: 3-21-07
 Title: Planning and Zoning Official
 Typed / printed name: Deborah Stone

The following steps are strongly advised and recommended to those interested in purchasing property prior to entering into a contract:

- ◆ Check for any open permits with the Building Division.
- ◆ Check the building plans or permits on microfilm of the property to confirm that they are consistent with current property layout. Copy of records on microfilm may be requested in the Building Division. It is strongly advised to keep these copies for your records.
- ◆ Check with the Code Compliance Division for a history of violations or any current violations on the property.
- ◆ Check for any liens filed against the property by the City of Hialeah with the Office of the City Clerk.

Certificate of Re-Occupancy Flow Chart



Please note:

- ◆ A CERTIFICATE OF RE-OCCUPANCY expires six months after date of issuance.
- ◆ A DECLARATION OF USE AFFIDAVIT allows future courtesy inspections of the property at any time six months after the CERTIFICATE OF RE-OCCUPANCY is issued. You will be notified in writing via certified mail when courtesy inspection is to be scheduled.



This guide has been possible thanks to the dedication of our summer college intern (Jessica Artiles, MIT), the cooperation of the Planning and Zoning Division staff and the valuable input of the Law Department.

~Debora Storch,
Planning & Zoning Official



Other services provided by the PLANNING AND ZONING DIVISION:

- ◆ Walk-in and over-the-phone public assistance on Planning, Zoning and Floodplain management issues.
- ◆ Zoning verification letters.
- ◆ Pre-application conferences.
- ◆ Extended Family Living Quarters processing.
- ◆ Condominium Conversion acknowledgment letters.
- ◆ Floodplain management: Review of Elevation Certification for finished construction, Letters of map revisions.
- ◆ Land Use Map Amendments (Annual cycle, applications are received exclusively during the month of January)