

ORDINANCE NO. 2021-079

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE III. "PLANS AND PLATS", DIVISION 3. SUBDIVISION PLATS; CREATING SECTION 98-350 "SUBDIVISION BY WAIVER OF PLAT FOR HPD HIALEAH PARK DISTRICT", OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, BY ADDING WAIVER OF PLAT REQUIREMENTS, PROCEDURES, AND REVIEW CRITERIA FOR THE HPD HIALEAH PARK DISTRICT; PROVIDING THAT SUCH EXCEPTION IS SUBJECT TO THE SUBDIVISION PROVISIONS OF CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of July 21, 2021 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this amendment is to provide and promote the integration of uses in the HPD District, and promote redevelopment through zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community; and

WHEREAS, the specific purpose and intent of this ordinance is to allow subdivision standards and procedures as part of a comprehensive planning process to guide and facilitate the development of the HPD Hialeah Park District, promoting the orderly development of the district, compatible with the City vision and development standards set forth in the HPD Hialeah park District, provided compliance with the subdivision requirements of Chapter 28 of the Miami-Dade County Code, which is expressly applicable to both the incorporated and unincorporated areas of the County;

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

Section 1: Chapter 98, entitled "Zoning", Article III, Plans and Plats, Division 3, Subdivision Plats, Section 98-350 "Subdivision by Waiver of Plat for HPD Hialeah Park District", of the Code of Ordinances of the City of Hialeah is hereby created as follows:

Chapter 98

ZONING

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ARTICLE III. "PLANS AND PLATS"

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DIVISION 3. SUBDIVISION PLATS

* * *

Sec. 98-350. - Subdivision by Waiver of Plat for HPD Hialeah Park District.

(A) *Subdivision by waiver of plat.*

Provided compliance with the subdivision provisions of Chapter 28 of the Miami-Dade County Code notwithstanding anything in this section to the contrary, a Subdivision by waiver of plat may be approved in the HPD Hialeah Park District pursuant to the following circumstances listed below:

1. The land to be subdivided is to be divided into no more than six parcels and because of unusual conditions created by ownership or development of adjacent lands, the isolation or remoteness of the land concerned in relation to other platted or improved lands, or improvements and dedications existing on the land substantially in accordance with the requirements of this article, it is determined by the planning director that waiving of the requirement for platting would not conflict with the purpose and intent of this article. In lieu of platting, the planning director may require any dedications, reservations, or improvements required in connection with platting under this article, including the posting of a performance and maintenance bond, as may be necessary to carry out the intent and purpose of this article; or
2. The resubdivision of land heretofore platted is of such unusual size or shape, or is surrounded by such development or unusual conditions as may be determined by the planning director to justify the waiving of the requirement for the recording of a plat. In lieu of the recording of a plat, such conditions may be imposed as may be deemed necessary and appropriate to preserve the public interest.

(B) Waiver of plat procedure.

1. To determine if the waiving of the requirement for platting would not conflict with the purpose and intent of this article and if the exceptions contained in section 98-350(A) are applicable, a waiver of plat survey shall be submitted by the property owner.
2. A waiver of plat application shall be submitted, signed by the owner and notarized on a form prescribed by the city.
3. The waiver of plat survey shall be prepared by a land surveyor registered in the State of Florida and shall bear the embossed seal of the land surveyor.
4. The waiver of plat survey shall include the following items, unless specifically waived by the city:
 - (a) Legal description of the parent tract.
 - (b) Legal description of each parcel to be created.
 - (c) Location of property lines, existing easements, buildings, waterways and other essential features.
 - (d) The location of any existing sewers and water mains, or any underground or overhead utilities, culverts and drainage systems on the property to be subdivided.
 - (e) Locations, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other open public spaces and similar facts regarding immediately adjacent property.
 - (f) Date of field survey, north point and graphic scale.
 - (g) The width and location of all streets or other public ways proposed by the developer.
 - (h) The proposed lot lines with dimensions.
 - (i) Existing ground elevations of the property and extending not less than 25 feet beyond the boundaries of the property.
 - (j) Existing easements or restrictions shown on any underlying plat shall be indicated.
 - (k) The location of all buildings, slabs, fences and other permanent structures on the adjacent properties that would be nonconforming with the creation of the requested division of land.

5. The property owner shall pay such fees as may be prescribed for checking the waiver of plat and investigating such matters concerning it as may be required.
6. The property owner shall submit a current opinion of title from any attorney authorized to practice law in this State with the submittal of the waiver of plat application.
7. Prior to the approval of the waiver of plat the property owner shall submit appropriate documentation showing the consent of any mortgage holders to the adoption of the waiver of plat.
8. Certification from the County that all taxes and assessments have been paid on the land within the proposed waiver of plat or receipted tax bills prior to the approval of the waiver of plat.

(C) Waiver of plat review.

1. Upon receipt of an application for a waiver of plat, the planning director will determine whether or not the application meets any of the conditions of section 98-350(A), and, if so, whether or not the application is complete and in conformance with the requirements of section 98-350(B).
2. All applications for waiver of plat which are denied by the planning director for not being in conformance with sections 98-350(A) and 98-350(B), will be returned to the applicant with a list of reasons for the denial. If a proposed subdivision does not qualify for the waiver of plat process pursuant to section 98-350(A) herein, then a tentative plat shall be required.
3. All applications for waiver of plat which are accepted by the planning director as being in conformance with sections 98-350(A) and 98-350(B) shall be evaluated and processed by the city. The planning director shall consult with city departments, as necessary to review application impacts. The planning director shall issue its recommendation and schedule the application for consideration on the Planning and Zoning agenda. If the city council approves the waiver of plat application, this action will be confirmed by Resolution.

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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 ___ day of _____, 2021.



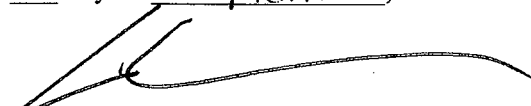
Jesus Tundidor
Council President

Attest:

Approved on this 21 day of September, 2021.

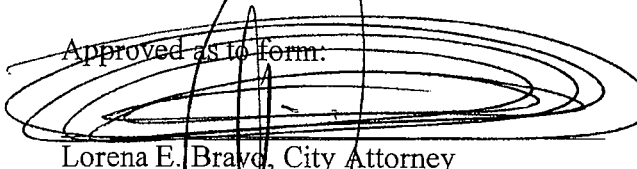


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Tundidor, and Zogby voting "Yes" and with Council Vice President Perez voting "No".

~~Strike through~~ indicates deletion. Underline indicates addition.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 188.041
PRIOR TO THE READING.