

ORDINANCE NO. 2022-010

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE VII ENTITLED "CONCURRENCY MANAGEMENT SYSTEM", DIVISION 1 "GENERALLY", CREATING SECTIONS "98-2397 THROUGH 98-2400"; ESTABLISHING A PRE-APPLICATION PROCESS FOR LAND USE APPLICATIONS; 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 January 26, 2022 recommended approval of this ordinance; and

WHEREAS, it is the purpose and intent of the City in enacting this ordinance to establish a pre-application meeting to familiarize applicants and others with the procedures, standards, criteria and the various requirements that may apply to specific land use applications, and to assure that every application is complete and ready for processing when formally submitted; and

WHEREAS, pre-application review may include one or more conferences with planning staff, water and sewer, fire, streets, and other departments as may be necessary; and

WHEREAS, pre-application review is intended to identify tentative requirements, comments or recommendations regarding applications and must not be considered final or binding in any regard.

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

Section 1: Chapter 98, Entitled "Zoning", Article VII, entitled "Concurrency Management System", Division 1 entitled "Generally" Sections 98-2397 through 98-2400 are hereby created as follows:

Chapter 98 - ZONING

ARTICLE VII. – CONCURRENCY MANAGEMENT SYSTEM

DIVISION 1. – GENERALLY

Sec. 98-2397 Pre-Application Meeting.

Purpose.

The purpose of pre-application meeting is to familiarize applicants and others with the procedures, standards, criteria and the various requirements that may apply to specific land use applications, and to provide comment, information, and answers to questions with respect to the sufficiency and completeness of an application prior to submission. The meeting is optional at the request of an applicant. Pre-application review may include one or more conferences with planning staff, Water & Sewer, Fire, Streets, and other departments as may be necessary. It is intended to be informational, and is not intended to be an exhaustive review of all potential issues, nor does it bind or preclude the city from enforcing all application requirements. Pre-application review is intended to identify tentative requirements, comments or recommendations regarding applications and must not be considered final or binding in any regard.

Sec. 98-2398 Pre-Application Request Form, Scheduling, and Fee.

Meetings will be scheduled for a 30-minute duration, once the Pre-Application Request Form is completed and filed with the Planning and Zoning Department together with a fee of \$500.00. The Pre-Application form is available at the Planning and Zoning Department.

Sec. 98-2399 Application.

- (a) The city staff shall establish the requirements for the content and form for the application, and may amend and update these requirements as determined necessary to ensure effective and efficient City review. The applicant bears the burden of ensuring that an application contains sufficient information as required by the form application to allow for a reasonable review. At a minimum, the following shall be submitted:
- (1) Written Statement. Provide a detailed description of the proposed project or proposal including, but not limited to; Water and Sewer, Streets, the zoning and land use district, proposed changes to the site, structure, landscaping, and parking designation.
 - (2) Prior Zoning Approvals. Provide approvals such as Site Plan Reviews, Zoning, Covenants or Declaration of Restrictions and Comprehensive Plan amendments.
 - (3) Proposed Site Plan. Applicants are encouraged to provide as much information and detail as available. Electronic files in flattened pdf format on a flash drive are acceptable. Flattened PDFs are PDF format

documents that do not have mark up or layers of any kind. The plan shall include:

- (i) Proposed name of project and the project's projected opening year and phasing, if any.
- (ii) Location and dimensions of all existing and proposed buildings, structures, setbacks, and spacing among adjacent structures.
- (iii) Configuration and dimensions of all existing and proposed lots and tracts, including proposed open space, or drainage tracts or easements.
- (iv) Proposed traffic methodology.
- (v) Internal circulation system, name and location of existing and proposed roadways and roadway easements (private and public).
- (vi) Location of existing and proposed on-site parking and driveways and off-street parking.
- (vii) Location and width of existing and proposed on-site pedestrian walkways.

Sec. 98- 2400 Incomplete Applications.

- (a) On determining that the application is incomplete, or provides insufficient information, City staff shall notify the applicant of the submittal deficiencies and offer the applicant the opportunity to pick up the incomplete application, correct the deficiencies, and resubmit the application for completeness determination. If the applicant fails to pick up the incomplete application within three business days after being notified of submittal deficiencies, the application will be considered withdrawn.
- (b) If the applicant picks up the incomplete application but fails to resubmit an application before with the Planning and Zoning Department within ten business days after being notified of submittal deficiencies, the application shall be considered withdrawn.
- (c) City staff shall not process an application for further review until it is determined to be complete.

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.

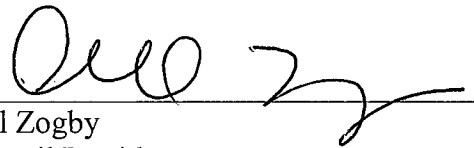
Section 5: Inclusion in Code.

The Code Amendments provided for in this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, Florida.

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.

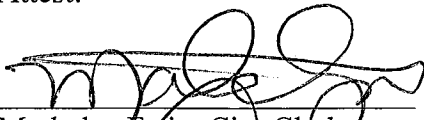
PASSED and ADOPTED this 22 day of February, 2022.



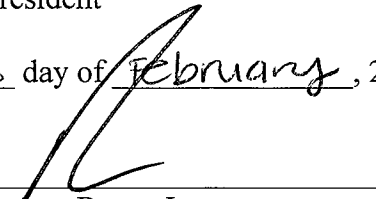
Carl Zogby
Council President

Attest:

Approved on this 18 day of February, 2022.

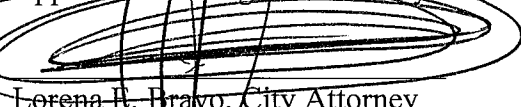


Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

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

Strikethrough indicates deletion. Underline indicates addition.

Ordinance was adopted by 7-0 with Councilmembers Calvo, Casals-Muñoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes."