



City of Hialeah REZONING/VARIANCE

The attached application Must Be Completed (printed in ink or typed) and submitted with all enclosures referred to therein, to the City of Hialeah Planning and Zoning Division, 2nd floor, City Hall, before advertisement may be made for a public hearing.

The applicant is reminded that the change requested in this application must be justified and the mere filing of the application or appearance at the public hearing does not assure approval of the application.

ALL QUESTIONS MUST BE ANSWERED

The following forms are included in this packet:

1. Memos from the City Attorney and Planning and Zoning Official (Pages 2, 3 and 4).
2. Required Enclosure List and Fee Schedule (Pages 5 and 6).
3. Instruction Sheet (Page 7).
4. Application Form (Page 8 and 9).
5. Disclosure of All Parties of. (Pages 10 and 11).
6. Sample Petition form (Page 12). Call the Planning & Zoning Division (305)883-8075 or (305) 492-1217 ensure correct wording of the petition. (Page 12)
7. Sample Mailing Labels (Page 13).
8. Radius Map & Petition/Owners List Affidavit (Pages 14).
9. Instructions for processing violations (Pages 15, 16 and 17).

PLEASE NOTE

Letters of Authorization, Power of Attorney, etc.

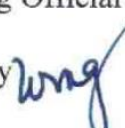
MUST BE NOTARIZED

Note that after approval of the hearing, applicant must submit for a building permit with a copy of the resolution/ordinance attached to building plans. A copy of the resolution/ordinance can be obtained at the City Clerk's Office at 501 Palm Ave, 3rd Floor, Hialeah, FL 33010, (305) 883-5823.

**CITY OF HIALEAH
CITY ATTORNEY'S OFFICE**

MEMORANDUM

TO: Alexis Riveron, Acting Building Official
Debora Storch, Planning and Zoning Official

FROM: William M. Grodnick, City Attorney 

DATE: January 24, 2013

RE: Notice to Applicants

If you are submitting an application for rezoning, special use permit, conditional use permit, variance or adjustment, please do not contact individual Planning and Zoning Board members while the application is pending and before a decision or recommendation has been made by the Planning and Zoning Board and before the matter is finally concluded by action of the Mayor and/or City Council.

The Florida courts have discouraged off-record communications with members of the Planning and Zoning Board, as a local planning agency, in connection with zoning matters. As a practical matter, this means that a decision or recommendation rendered in your favor by the Planning and Zoning Board at a public hearing may be challenged by the losing side and possibly overturned by the courts because of off-record communications. Please do not write letters or telephone Board members before the hearing. You will have the opportunity to present testimony and evidence in support of your application when the application is presented to the Planning and Zoning Board at the public hearing.

While the Planning and Zoning Board member may visit the property to observe the physical conditions relating to the application, you should not discuss the matter with the Board member but just allow the Board member access to view the property.

Please follow these instructions. It is not only for your protection, but also for the protection of all Hialeah residents that there is a fair and unbiased decision or recommendation on your application, based on the testimony and evidence presented at the public hearings.

CITY OF HIALEAH
Planning and Zoning Division
MEMORANDUM

TO: All Applicants

FROM: Debora Storch, Planning and Zoning Official

DATE: January 24, 2013

RE: Notice to Applicants (English and Spanish)

Dear Applicant:

You have made an application on a matter to be considered by the City of Hialeah's Planning and Zoning Board pursuant to Article 4, Section 4.07(a) of the City's Charter. The Board is composed of seven members each appointed by an elected member of the City Council. Presently, the members of the City's Planning and Zoning Board are Chairman Diego Perez, Jr., Vice-Chairman Juan Sanchez, Jesus Hernandez, Bryan Avila, Ovidio J. Perez, Rodolfo Suarez and Daisy Castellanos.

At times, some members of the Board, as well as council member's, may deem it necessary to personally visit the subject property of the application to visualize the scope of the variance request and its impact on the neighbors and neighborhood. This is not a regulatory inspection. It is an attempt on the part of the Board members to dutifully discharge their obligation of deliberating and determining the matters before them in a conscientious manner.

Please be advised that as part of your application, you should expect a member or members of the Board and Council to conduct an inspection. You should not engage the member in conversation related to your application. For your security, a member requesting an inspection should identify him or herself by presenting a City-issued picture identification card.

Your cooperation will enable the Board to make an appropriate determination on your application.

ESPAÑOL

Estimado Solicitante:

Usted ha presentado una solicitud para un asunto a ser considerado ante la Junta de Planificación y Zonificación de la Ciudad de Hialeah de acuerdo a la Sección 4.07(a), del Artículo 4 de los estatutos constitutivos de la ciudad. La Junta está compuesta por siete miembros, cada uno nombrado por un miembro electo al Concejo Municipal de la Ciudad. Actualmente, los miembros de la Junta de Planificación y Zonificación de la Ciudad de Hialeah son Diego Perez, Jr., Presidente de la Junta, Vice- Presidente Juan Sanchez Jesus Hernandez, Bryan Avila, Ovidio J. Perez, Rodolfo Suarez y Daisy Castellanos.

En algunas ocasiones, algunos miembros de la Junta, así como miembros del Concejo, consideran necesario visitar personalmente la propiedad de la que trata la solicitud para visualizar todos los aspectos del asunto

incluyendo el impacto en el vecinadario de la variante solicitada. Esta no es una inspección de carácter policial o para evaluar el cumplimiento de normas. Es un intento por parte de los miembros de la Junta de cumplir obedientemente con su obligación de deliberar prudentemente y tomar una determinación acerca de los asuntos a considerarse frente a la Junta.

Por éste medio le informo que como parte de su solicitud, usted debe anticipar una inspección por parte de un miembro o miembros de la Junta y/o del Concejo. Usted no debe discutir su solicitud con el miembro de la Junta que conduzca la inspección. Para su seguridad, el miembro de la Junta que se presente para conducir la inspección deberá presentar su carnet de identidad.

Su cooperación le permitirá a la Junta tomar la determinación mas apropiada en su caso.

**CITY OF HIALEAH
REZONING/VARIANCE
REQUIRED ENCLOSURES AND FEES**

- A. 25 copies of a Special Purpose Survey (an As-Built Survey, less than six months old, which includes the square footage of the lot, lowest finished floor elevation, and Flood Insurance Rate Map data). (At least ONE copy with Surveyor's embossed seal).

- B. 25 sealed copies of a Radius Map showing all properties within 500 feet of the perimeter of the subject property. Map to be at scale of 150 feet to one inch or larger. Owner's name on each parcel. Lot and Block Numbers and Subdivision names. (Statement must be included on Radius Map indicating it was prepared by a certified surveyor or mapper).

NOTE:

Both Survey and Radius map shall be prepared by a Professional Surveyor or Mapper licensed pursuant to Chapter 472, Florida Statutes.

- C. 2 copies of a Base Map (Radius Map prior to insertion of ownership on parcels) no larger than 8-1/2" x 14" (legal-sized).

- D. 25 copies of site plans, floor plans and building elevations, prepared by an engineer architect or landscape architect in accordance with Article III, Division II, Sec. 98-371 of the Hialeah Code of Ordinances (at least ONE copy with professional's embossed seal).

- E. Request/Owner's List prepared as per sample. Includes verbiage on each sheet and lists properties within a 500-foot radius of the subject property, exclusive of the petitioner, stating the request to be considered.

Petitions must reflect the legal description(s), folio numbers and property addresses of all properties within a 500-foot radius of subject property, complete with names and mailing addresses of property owners as reflected by the most recent tax record. This form must be printed in a size equal to or greater than 12-point font.

Condominiums

If the condominium board is developer-controlled, then all unit owners are to be included on the owner's list.

In both instances, the name of the association and its president and the association's address where a notice is to be mailed, must be provided.

- F. Affidavit stating that the Radius Map & Request/Owner's List is complete and accurate. Signed by the individual or company who prepared said documentation.
- G. Mailing labels with the names and mailing addresses of those owners within the radius (Do not include duplicate names and addresses).
- H. "Disclosure of all Parties in Interest" Form.
- I. APPLICATION FEES: **SEE FEE SCHEDULE**. Triple fee shall apply if a building addition or alteration has commenced without a building permit and/or prior to the approval of the zoning change application, if such zoning change is necessary in order to legally allow said building addition or alteration.
- J. Any 100% service connected to a disabled veteran, upon proof of such disability, shall receive a 50% reduction in fees for an application filed on the disabled veteran's homestead, providing the veteran has owned the homestead property according to the Public Records of Miami-Dade County, Florida, for a period of at least two years prior to the date of this application.
- K. Prior to the hearing, city supplied signs will need to be posted on the property. The sign(s) shall contain the date, time and location of the hearing. The sign(s) shall also include the applicant's name, location of the property and the request. The sign(s) shall be placed in public view on each frontage of the property with a minimum of one (1) sign for every 165 feet of frontage. These signs shall be placed at a maximum of one hundred sixty-five (165) feet apart. The number of signs required will be determined by the Planning and Zoning Division. The applicant shall pay the cost of the sign(s). The fee for each sign is **\$26.00**.
- L. BE ADVISED THAT AT THE END OF A REZONING/VARIANCE PROCESS, IF ADDITIONAL LIVING UNITS OR SQUARE FOOTAGE ARE GRANTED, ALL APPLICABLE IMPACT FEES (PARKS & RECREATION, ROADS, ETC) SHALL BE PAID, BASED ON SQUARE FOOTAGE OR PER UNIT OF CONSTRUCTED AREA.
- M. BE ADVISED THAT DUE TO THE FACT THAT EACH REQUEST IS UNIQUE, ADDITIONAL DOCUMENTATION MAY BE REQUIRED. YOU WILL BE NOTIFIED IF ADDITIONAL DOCUMENTATION IS REQUIRED.

**CITY OF HIALEAH
REZONING/VARIANCE
INSTRUCTIONS**

APPLICANT INFORMATION (Lines 1 through 4)

The individual submitting this application is required to complete this section.

If the applicant is a joint property owner, a trustee, a corporation, or a power of attorney, notarized supporting documentation is required to show that the applicant is authorized to submit the application. **Any application missing said documentation is subject to being returned.**

PROPERTY INFORMATION

Line 5 The folio number, as recorded in the Miami-Dade County tax rolls.

Line 6 The address, as listed in the Miami-Dade County tax rolls or the meets and bounds (the approximate location).

Line 7 Legal description as stated in the survey of the property.

Line 8 Existing Zoning Classification (Office Use Only)

REQUESTED ZONING AND/OR VARIANCE (Line 9)

Line 9 Enter the desired Zoning and/or Variance.

JUSTIFICATION FOR REQUEST (Line 10 and 10a)

Line 10 State the reason for the request.

Line 10a If applicable, state provisions to be made for official right-of-way.

AFFIDAVIT (Lines 11 through 13)

Line 11 The applicants(s) name is printed or typed and the applicant(s) relationship to the property is to be indicated. Applications received without notarized documentation supporting the applicant's authorization to act on behalf of the legal owner will be returned. It is the applicant's responsibility to ensure that all documentation is attached.

Line 12 Signature of the applicant(s) whose name(s) appear on Line 12.

Line 13 Jurat, to be completed by a Notary Public.

**CITY OF HIALEAH
APPLICATION FOR REZONING/VARIANCE HEARING**

**Application
Information**

- 1) Owner of Property Representative
- 2) Name: _____
- 3) Home Phone: () _____ Work Phone: () _____
 Cellular Phone: () _____ E-mail address: _____
- 4) Mailing Address: _____
 City: _____ State: _____ Zip: _____

**Property
Information**

- 5) Folio Number: _____
- 6) Address of Location: _____
- 7) Legal Description: _____

**Requested
Zoning/Variance**

- 8) Existing Zoning (Office Use): _____
- 9) Zoning and/or Variance desired: _____

**Justification
for
Request**

- 10) Special conditions or reasons justifying requested zoning or variance(s)

- 10a) If applicable, what provisions will be made for official right-of-way

DISCLOSURE OF ALL PARTIES IN INTEREST

Type of Application: _____

Types: (Platting, Rezoning, Variance, Special use Permit, Conditional Use Permit, Final Decision, Land Use Map Amendment).

If Applicant is a Corporation or Partnership all officers and or partners shall disclose their name and addresses.

Names (s) and addresses (s) of all legal and/or equitable owners, even if said property is held in trust for same:

Name(s) and address(es) of those having any interest in a contract for sale of said property, including real estate brokers and sale persons:

Mortgagee(s) of Property:

All those having an interest in a contract for sale, shall disclose whether they are acting and/or for an undisclosed principal and, if so shall discontinue the name(s) and address (es) of the beneficiary (ies) of the trust or the principal(s) and their interest in the contract:

THE DISCLOSURE MUST BE MADE AND OR UPDATED WITHIN A REASONABLE TIME, AS MAY BE NECESSARY, IN ORDER TO ENSURE THAT THE INFORMATION DISCLOSED IS ACCURATE AT THE TIME OF FILING AND AT ALL TIMES THEREAFTER SPECIFICALLY, AT DATES UPON WHICH ACTION IS DISCUSSED AND/OR TAKEN UPON SUCH PROPERTY.

AFFIDAVIT

This is to certify that the undersigned (has) (have) prepared the foregoing disclosure of all parties in interest on property legally described as:

Located on/at:

(We) further understand that any change (s) in said disclosure shall be updated and accurate at all times, specifically at dates upon which action is disclosed and/or taken on said property.

(We) further certify that to the rest of (my) (our) knowledge it is a complete disclosure.

Signature

**Affix
Corporate
Seal**

Signature

STATE OF FLORIDA

COUNTY of _____

The forgoing instrument was acknowledged before me on this _____ day of _____,
_____ by _____.

(Owner /Representative)

DID TAKE AN OATH OR DID NOT TAKE AN OATH

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

Type of Identification Produced _____

My Commission Expires

Signature of Notary Public

Name of Notary Typed, Printed, or Stamped

**SAMPLE PETITION FORM
REQUEST/OWNER'S LIST**

Subject Property: 501 Palm Avenue, Hialeah, Florida. Zoned: CUD (Governmental Use District).

The following are property owners within a 500-foot radius of the following legally described property:

Legal Description: Lots 1 through 24, block 1, City of Hialeah, according to the plat thereof, as recorded in plat book, 5, page 77, of the public records of Miami-Dade County, FL

Request: Rezoning said property from R-1 (One Family District) to R-2 (One and Family Residential District) and granting a variance permit to allow the maximum allowable lot coverage of 30% to be exceeded by 2% of a total lot coverage of 32% for the construction of a second unit.

Contra to: Hialeah, Fla., code section 98-.... (25) (b), which states in pertinent part, "maximum of thirty (30) percent of the net residential land area may be covered with or occupied by the principal residential structures."

Folio # and Legal Descriptions

Owners

Town of Hialeah, PB 5/77

Lot 1, Block 2
04-3118-001-0200
P.A. 600 Palm Ave

Planning and Zoning
610 Palm Ave
Hialeah, FL 33010

Bradley Manor PB 10/64

Tract A

Building Department
500 Palm Ave
Hialeah, FL 33010

1st Addn Town of Hialeah PB 34/26

Lots 4-1, Block 4
04-3118-045-0500
P.A., 800 E 1 Ave

John Die & w/ Jane
100 Circle Drive
Hialeah, FL 33166

MAILING LABELS

CITY OF HIALEAH P.O. BOX 40 HIALEAH, FL 33010	PLANNING & ZONING 501 PALM AVENUE HIALEAH, FL 33010	BUILDING DEPARTMENT 501 PALM AVENUE HIALEAH, FL 33010
JOHN DOE & WIFE JANE 100 CIRCLE DRIVE MIAMI SPRINGS, FL 3316	JANE SMITH 801 EAST 2 AVENUE HIALEAH, FL 33010	JOE JONES AND WIFE CATHY 125-15 STREET NEW YORK, NY 07001

**RADIUS MAP AND PETITION/OWNER'S LIST
AFFIDAVIT**

STATE OF FLORIDA

COUNTY OF: _____

Re: Property Owners List within 500 feet of:

Address/Location: _____

Legal Description _____

I certify that the attached ownership list. Maps and mailing labels provide a complete and accurate representation of the real estate property and property owners within 500 feet of the subject property listed above. This reflects the most recent Miami-Dade County Tax records.

(Signature)

(Printed Name)

(Company Name)

**Affix
Corporate
Seal**

(Address)

(Telephone)

The foregoing instrument was acknowledge before me on this _____ day of

_____, _____ by _____

DID TAKE AN OATH [] OR [] DID NOT TAKE AN OATH

PERSONALLY KNOWN [] [] DID NOT TAKE AN OATH

Type of Identification Produced: _____

Signature of Notary Public

Name of Notary Typed, Printed, or Stamped

My Commission Expires

Instructions to Applicants Processing Violations

1. After receipt of a notice of the violations from the Building or Code Compliance Department and depending on the type of violation, the owner is to hire an Architect or Engineer and have that professional visit the site to determine if the structure shall require an Architect or Engineer.
2. **The professional shall meet with the Zoning Department to see if any variance hearings are required to bring the structure into compliance with any setback, lot coverage, or any other zoning regulation.**
3. Once the professional has determined the structural worthiness and applicable zoning regulations, a recommendation for demolition or to proceed with plans/documents will be decided between owner and professional.
4. Submit any application and duplicate copies of survey, plans and any other documents necessary for the permitting process to the Application Counter in the Building Department.
5. After acquiring a process number, go to the Zoning Department for a review and obtain approvals or an “OK to Process” (OTP). If zoning rejects the process stops.
6. Meet with the Building Inspector for an area to set up a courtesy inspection. (Courtesy inspections are requested 24 hours in advance and done as time allows).
7. Building inspector will advise owner and/or professional retained by owner as to the necessary component certification required for the certification of the construction.
8. Building inspector will review and approve construction certification from the professional and/or lab.
9. Processing continues at the Plans processing Counter by leaving all documents with permit clerk. (No walk-through allowed for violations).
10. Permit will be issued upon successful completion of the plans processing and payment of the permit/violation fees.
11. Proceed to request all pending inspections.
12. If final inspections are not requested and approved the violation has not been satisfied.

ESPAÑOL

Instrucciones a Solicitantes Que Se Encuentran En Trámites De Casos De Violaciones

1. Luego de haber recibido un Aviso de Violación del Departamento de Construcción o Departamaneto Encargado del Cumplimiento del Código y dependiendo de la naturaleza de la violación incurrida, el dueño debe contratar a un Arquitecto o Ingeniero, para que haga una visita profesional de inspección visual en la propiedad, a fin de estar en condiciones de poder determinar si es que la estructura se ajusta a los códigos en vigor. Toda violación que afecte una estructura construída exigirá la intervención de un Arquitecto o Ingeniero.
2. Dicho professional tendra que reunirse con el Departamento de Zonificación para determinar si se exige una audiencia solicitando variantes para que la estructura se ajuste a lo dispuesto con respecto a distancia de separación de la propiedad, cobertura del lote o cualquier otra regulación de zonificación.
3. Una vez que dicho professional ha determinado la condición de la estructura y que la misma se ajusta a la regulaciones aplicables a zonificación, la recomendación para demolición o para en su caso proseguir con planos/documentos, tendrá que ser acordada entre el propietario y el citado professional. Los planos de construcción tendran que ser preparados por un Arquitecto o Ingeniero.
4. Presentar la solicitud y duplicado de copias del relevamiento del terreno (survey) original, planos y cualquier otros documentos necesarios para el proceso de obtener el permiso correspondiente ante el Mostrador No. 1, Mostrador de Recepción para Solicitudes, situado en el Departamento de Construcción.
5. Una vez en posesión del número de proceso, tiene que ir al Departamento de Zonificación para revisar los documentos y obtener la aprobación o el “OK para Procesar” (OTP).
6. Deberá entrevistarse con el Inspector de Construcción de su zona acordando una visita de cortesía para inspeccionar (Dichas inspecciones de cortesía se acuerdan con 24 horas de anticipación y se llevan a cabo según la disponibilidad de tiempo).
7. El Inspector de Construcción le indicará al dueño o al profesional contratado por el mismo, con respecto a la certificación de los componentes necesarios de la adición exgidos para poder certificar la construcción.
8. El Inspector de Construcción revisará y aprobará el certificado de construccion expedido por el profesional o un laboratorio, según el caso.
9. El proceso continúa ante el Mostrador Procesador de Planos (Mostrador No. 2) donde se presentarán todo los documentos con el empleado encargado de los permisos. (En los casos de violaiones no se autoriza procesar los documentos al momento, en persona).
10. El permiso se expedirá una vez que concluya exitosamente el proceso íntegro del trámite de los planos conjuntamente con el pago de los cargos correspondientes a violaciones/permisos.
11. Entonces procederá a solicitar todas las inspecciones pendientes.
12. En caso de no solicitar las inspecciones finales o que éstas no aprueben dicha obra, la violación no ha sido satisfecha ni rectificada y por consiguiente la obra continuará permaneciendo ilegal.