

ORDINANCE NO. 2019-028

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING SECTION 98-1541 HIALEAH TRANSFER STATION SUBDISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH IN CHAPTER 98 "ZONING", ARTICLE V. ENTITLED "ZONING DISTRICT REGULATIONS", DIVISION 26, "TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 27, 2019 recommended approval of this ordinance.

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 V, Zoning District Regulations, Division 26 entitled "TOD Transit Oriented Development District" of the code of ordinances is hereby amended as follows:

Chapter 98

ZONING

* * *

ARTICLE V. ZONING DISTRICT REGULATIONS

* * *

**DIVISION 26. - TOD TRANSIT ORIENTED
DEVELOPMENT DISTRICT**

* * *

Sec. 98-1541. - Hialeah Transfer Station Subdistrict.

The Hialeah Transfer Station Subdistrict is comprised of properties located in the proximity of the Hialeah Tri-Rail/Metrorail Transfer Station generally located on the east side of East 11th Avenue between East 25th Street and East 27th Street, having the ~~south-north~~ side of East 33rd Street as its northern boundary, the north side of East 17th Street as its southern boundary, the east side East 8th Avenue as its western boundary and the west side of NW 37th Street as its eastern boundary. The Hialeah Transfer Station Subdistrict regulations only apply to the properties identified for redevelopment in the Hialeah Transfer Station Master Plan whose land use classification has been amended to transit oriented development district and consistently re-zoned.

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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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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: 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: 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 26 day of March, 2019.

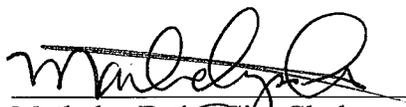
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



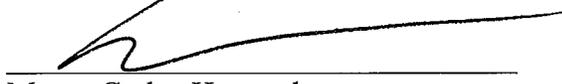
Vivian Casals-Munoz
Council President

Attest:

Approved on this 3 day of April, 2019.

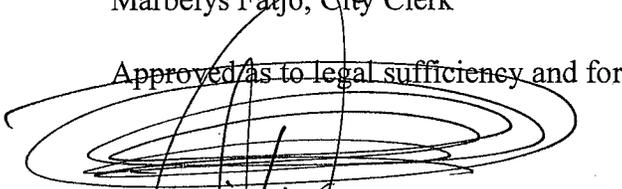


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved ~~as~~ to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a 7-0 vote with Councilmembers, Caragol, Zogby, Lozano, Casals-Munoz, Hernandez, Garcia-Martinez and Cue-Fuente voting "Yes".

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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