

**ORDINANCE NO. 2020-008**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. "ZONING DISTRICT REGULATIONS", DIVISION 26 "TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT", SECTION 98-1561 ENTITLED "FACTORY TOWN ENTERTAINMENT SUBDISTRICT PILOT PROGRAM", SUBSECTION 98-1561(a) OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH TO PROVIDE FOR AN EXTENSION FOR ANOTHER SIX MONTHS TO THE FACTORY TOWN ENTERTAINMENT SUBDISTRICT PILOT PROGRAM FOLLOWING APPROVAL OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of January 15, 2020 recommended approval of this ordinance; and

**WHEREAS**, the City in the geographic area provided for in the Hialeah Code of Ordinances, Section 98-1561 entitled "Factory Town Entertainment Subdistrict Pilot Program" provided an opportunity for experimentation and creativity to enhance the cultural and economic life in the City by permitting for innovative design opportunities including entertainment uses, signage and art features; and

**WHEREAS**, the Factory Town Entertainment Subdistrict Pilot Program in section 98-1561(a) was approved for a period of six months through September 22, 2019; and

**WHEREAS**, the Mayor and City Council believe an extension for another six months shall afford and fulfill the opportunity for experimentation and creativity to enhance the cultural and economic life in the City by permitting for innovative design opportunities including entertainment uses, signage and art features, for which the pilot program was enacted.

**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 “TOD Transit Oriented Development District”, Section 98-1561 entitled “Factory Town Entertainment Subdistrict Pilot Program,” Subsection 98-1561(a) is hereby amended as follows:

**Chapter 98**

**ZONING**

\* \* \*

**ARTICLE V. ZONING DISTRICT REGULATIONS**

\* \* \*

**DIVISION 26 “TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT”**

\* \* \*

**SEC. 98-1561. –FACTORY TOWN ENTERTAINMENT SUBDISTRICT PILOT PROGRAM.**

\* \* \*

Sec. 98-1561. (a) *Intent.* In order to encourage the adaptive reuse of large industrial properties containing a minimum of four acres of land with existing warehouse structures located within the Factory Town Entertainment Subdistrict with a mix of uses and functions, the following pilot program is instituted for an additional period of six months and will automatically terminate on 180th day following the date this section is approved by the city council, then signed by the mayor, unless otherwise extended by the city council.

\* \* \*

**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. In the event of a conflict between the provision of this Ordinance and any other City Code or regulation to the contrary, the provisions of this Ordinance shall control.

**Section 3: Penalties.**

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulations 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 adjunction 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 11 day of February, 2020.

  
\_\_\_\_\_  
Paul B. Hernandez  
Council President

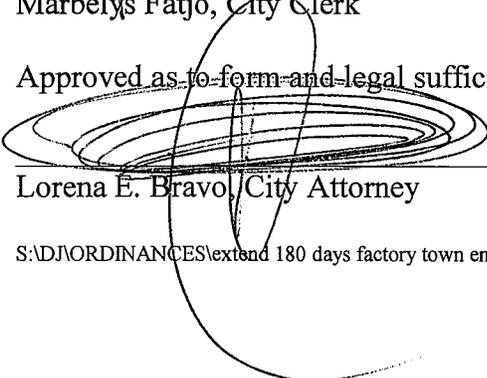
Attest:

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

Approved on this 19 day of February, 2020.

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Cuenca-Fuente, Garcia-Roves, Hernandez, Perez, Tundidor and Zogby, voting "Yes" and with Council Vice President De La Rosa having abstained from voting.