

ORDINANCE NO. 2021-042

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ENTITLED "ZONING DISTRICT REGULATIONS", DIVISION 26, TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT, SECTION 98-1560(1) SUNSET AND AMENDMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, TO RETROACTIVELY REINSTATE THE 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; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of March 24, 2021, 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. Entitled "Zoning District Regulations", Division 26, TOD Transit Oriented Development District, of the Code of Ordinances of the City of Hialeah, Section 98-1560(1) Sunset and amendments, is hereby amended as follows:

Chapter 98

ZONING

* * *

ARTICLE V. - ZONING DISTRICT REGULATIONS

* * *

DIVISION 26. - TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT

* * *

Sec. 98-1560(1) ~~Sunset and a~~Amendments

- (1) ~~Sunset and a~~Amendments. An evaluation of the TOD land use designation, transit oriented development district zoning classification regulations, and other amendments as may be necessary, shall may be considered ~~in the first quarter of 2019~~, to determine if the TOD regulations shall be extended, amended or repealed. Absent any action by the city council, all the regulations in Division 26 entitled "TOD Transit Oriented Development District" in Chapter 98 of the Code of Ordinances of the City of Hialeah shall ~~sunset and be repealed on December 31, 2019~~ shall remain in effect. TOD land use designation, transit oriented development district zoning classification regulations are hereby retroactively reinstated to December 31, 2019. Any approvals, applications, lawful development permits, site plan approvals, concurrency reviews in progress, or as may be established pursuant to legal principles of vested rights and equitable estoppel, shall proceed pursuant to the transit oriented development district regulations in effect at the time, pursuant to the time frames provided for in subsection (2).

* * *

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. This ordinance shall be applied retroactively as of December 31, 2019. Any permits issued prior to the Effective Date of this ordinance for uses previously granted are hereby validated retroactively as of December 31, 2019.

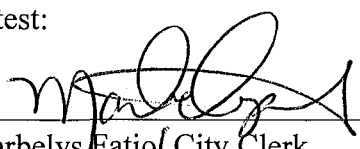
PASSED and ADOPTED this 27 day of April, 2021.



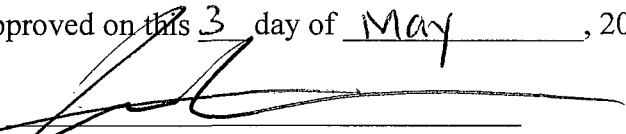
Jesus Tundidor
Council President

Attest:

Approved on this 3 day of May, 2021.



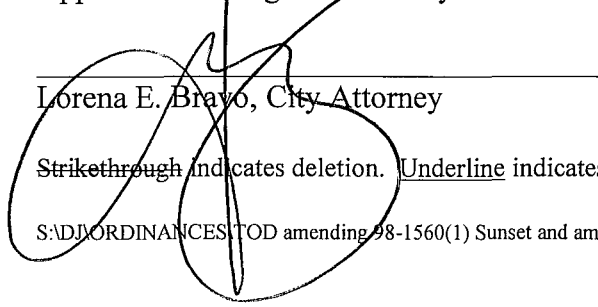
Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

Ordinance was adopted by 5-0-2 vote with Councilmembers, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente and Council Member Hernandez absent.



Lorena E. Bravo, City Attorney

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