

**ORDINANCE NO. 2018-118**

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" AND IN PARTICULAR AMENDING SECTION 98-1550 ENTITLED "HIALEAH MARKET STATION SUBDISTRICT", OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, BY EXTENDING THE EASTERN BOUNDARY OF **THE TOD MARKET STATION SUBDISTRICT** FROM THE CSX RAILROAD TRACKS TO NW 37 AVENUE; 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 August 22, 2018 recommended approval of this ordinance; and

**WHEREAS**, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper paid circulation in the City of Hialeah and of general interest and readership in the community.

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", of the Code of Ordinances of the City of Hialeah, Florida is hereby amended by revising Hialeah Code Section 98-1550 "Hialeah Market Station Subdistrict" to read as follows:

**Chapter 98**

**ZONING**

\* \* \*

**ARTICLE V. ZONING DISTRICT REGULATIONS**

\* \* \*

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

\* \* \*

**Sec. 98-1550. - Hialeah Market Station Subdistrict.**

The Hialeah Market Station Subdistrict is comprised of properties located in the proximity of the Hialeah Market Station generally located on the east side of SE 10<sup>th</sup> Court between SE 14<sup>th</sup> Street and SE 11<sup>th</sup> Street, having the south side of SE 5<sup>th</sup> Street as its northern boundary, the north side of the SR112 ramp as its southern boundary, the east side of SE 9<sup>th</sup> Court as its western boundary and ~~the CSX railroad tracks~~ NW 37<sup>th</sup> Avenue as its eastern boundary. The Hialeah Market Station Subdistrict regulations only apply to the properties identified for redevelopment in the Hialeah Market Station Master Plan whose land use classification has been amended to transit oriented development district and consistently re-zoned.

\* \* \*

**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: 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.**

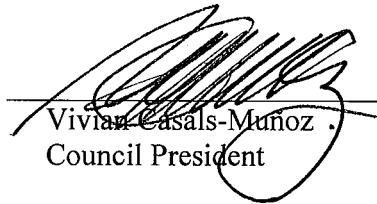
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 23 day of October, 2018.

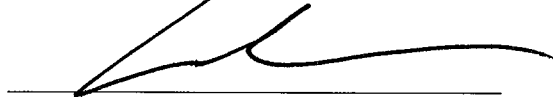
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

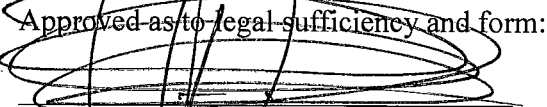
  
Vivian Casals-Munoz  
Council President

Attest:

Approved on this 24 day of October, 2018.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:  
  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Hernandez, voting "Yes" and with Councilmembers Caragol and Cue-Fuente absent.