

**ORDINANCE NO.** 2017-001

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 13. CBD CENTRAL BUSINESS DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, REVISING SECTION 98-973 ENTITLED "PROHIBITED USES AND LIMITATIONS"; ELIMINATING THE RESTRICTIONS ON THE SALE OF SECONDHAND JEWELRY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of November 16, 2016 recommended approval of this ordinance;

**WHEREAS**, Hialeah, Fla. Code Section 98-973 restricts secondhand or used merchandise and variances for the sale or pawn of secondhand jewelry in the central business district (CBD) central business district;

**WHEREAS**, this amendment is consistent with the adoption of Hialeah, Fla. Ordinance 2016- \_\_\_\_ (November \_\_\_\_, 2016) allowing second-hand dealers and pawnshops as permissible uses within the Commercial-Residential District; and

**WHEREAS**, pursuant to Hialeah, Fla. Code Section 98-972(1) (a), the CBD incorporates by reference the permissible uses of the Commercial-Residential District including limited second-hand transactions by jewelry stores; and

**WHEREAS**, allowing second-hand dealers, pawnshops and jewelry stores with limited secondhand dealing within the CBD, subject to all other zoning regulations and development guidelines, would further the goals of the district to create a cosmopolitan, urban downtown neighborhood district where the community can reside, work and entertain.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA THAT:**

**Section 1:** Chapter 98 entitled "Zoning" of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

**Chapter 98**

**ZONING**

\* \* \*

**ARTICLE V. ZONING DISTRICT REGULATIONS**

\* \* \*

**DIVISION 13. - CBD CENTRAL BUSINESS DISTRICT**

\* \* \*

**Sec. 98-973. - Prohibited uses and limitations.**

In the CBD central business district, limitation on uses shall be as follows:

(1) The following uses shall not be permitted in the *CBD* central business district:

- a. Mechanical or manual car washes, automobile service stations, automotive uses that are first permitted in C-3 zoning districts and automotive uses that are first permitted in M-1 zoning districts.
- b. Sale and rental of automobiles, trucks, trailers, mobile homes or recreational vehicles.
- c. Medical clinics and veterinary offices.

(2) Commercial parking lots and garages shall require conditional use permits. Commercial parking lots and parking garages shall not be located in the first 20 feet of the front of any building structure or street side of a lot at ground level. Commercial parking lots and parking garages above ground level may be located to the setback lines.

(3) All display, sales and service activities of permitted uses shall be contained within completely enclosed buildings, except that in open space or partially open space there may be cafes and outdoor dining areas; souvenirs, exhibits and sales of arts and crafts, sale and display of flowers. ~~No secondhand or used merchandise shall be offered for sale, displayed or stored, except for antique shops.~~ Antique shops or jewelry stores selling second-hand goods shall be subject to the limitations provided in section 98-1111(21)a.1., a.2., a.3. and a.4. No variances to the limitations for sale of secondhand jewelry items shall be granted.

\* \* \*

**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.**

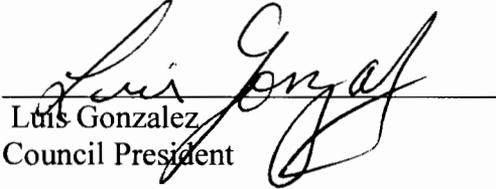
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

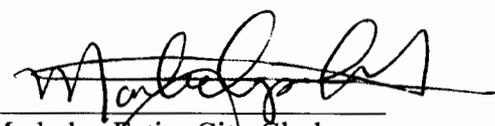
PASSED and ADOPTED this 10 day of January, 2017

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

  
Luis Gonzalez  
Council President

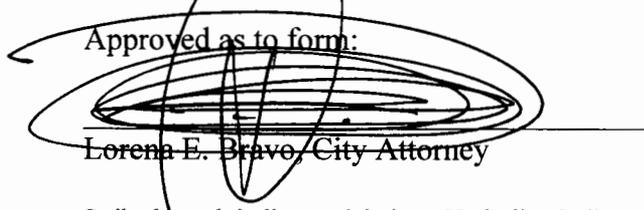
Attest:

Approved on this 17 day of January, 2017

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form:

  
Lorena E. Bravo, City Attorney

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

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Lozano voting "Yes". Council Vice President Cue-Fuente absent.