

2016-86
ORDINANCE NO. _____

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 11. CR COMMERCIAL-RESIDENTIAL DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, REVISING SECTION 98-877 ENTITLED "USES PERMITTED AND REGULATIONS"; TO INCLUDE PAWNSHOPS, MEDICAL CLINICS, AND PET STORES AS PERMITTED USES; ELIMINATING THE PROHIBITION AGAINST SALE OF SECOND HAND MERCHANDISE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of October 26, 2016 recommended approval of this ordinance;

WHEREAS, Hialeah, Fla. Code Section 98-877 does not expressly provide for medical clinics and pet stores as permitted principal uses in the Commercial-Residential (CR) District; and

WHEREAS, Hialeah, Fla. Code Section 98-877 prohibits second-hand dealers and pawnshops as a permitted principal use; and

WHEREAS, allowing all of these uses as permissible principal uses in the CR District, subject to all other zoning regulations and development guidelines in the Hialeah Downtown Urban Center (HDUC), would further the goals of the HDUC 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 11. - CR COMMERCIAL-RESIDENTIAL DISTRICT

* * *

Sec. 98-877. - Uses permitted and regulations.

No building or land shall be used and no building shall be hereinafter erected, constructed, reconstructed or structurally altered that is designated, arranged or intended to be used or occupied for any purpose, unless it provides residential uses and one or more of the principal uses according to the following requirements:

(a) *Principal uses and structures:*

* * *

(6) Retail establishments: Food stores, supermarkets, grocery stores, bakeries; cigar sales and hand manufacturing stores in connection with retail sales; flower shops; leather goods; shoes; luggage; antique stores; art stores; gift shops; jewelry stores ~~except pawn shops~~; china; ceramics; book stores (except adult book, adult video stores and other adult entertainment) and newsstands; music stores; drugstores; general home furniture and appliance stores for television, radio and other electronic equipment; computer sales and service; lock and key shops; office furniture and supplies; floor covering; sporting goods; bicycles; paint and wallpaper; photographic studios and camera sales, equipment and film; music tapes, CD, DVD and record sales; video stores; optical stores; and hardware stores. Repair and incidental assembly are permitted as accessory uses, but not as principal uses. ~~With the exception of antique stores, the sale or offer for sale of second hand merchandise shall be prohibited.~~

* * *

(13) Medical and dental offices, and clinics.

* * *

(17) Pet shops.

(18) Second-hand dealers and pawn shops subject to a 2,500-foot radius of separation from any other second-hand dealer or pawnshop. No variance of the distance separation shall be granted for new business locations established after March 1, 2010. Jewelry stores conducting second-hand goods transactions 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 on second-hand transactions by jewelry stores 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.

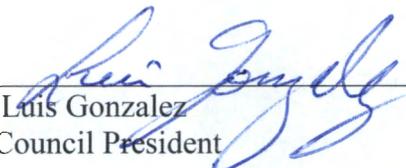
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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. This ordinance shall be applied retroactively as of March 31, 2014. Any permit issued prior to the Effective Date of this ordinance for uses previously prohibited are hereby validated retroactively as of March 31, 2014.

PASSED and ADOPTED this 13 day of December, 2016.

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

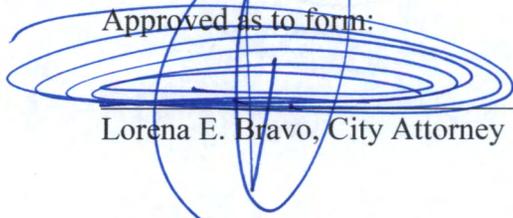

Luis Gonzalez
Council President

Attest:

Approved on this 16 day of December, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:

Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) vote with Councilmembers, Caragol, Gonzalez, Hernandez, Lozano, Casáls-Muñoz, and Cueva-Fuente voting "Yes". Councilwoman Garcia-Martinez absent.

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