ORDINANCE NO. 2013-43

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW PAWNBROKING OF SECONDHAND JEWERLY BY A RETAIL JEWELRY STORE ON PROPERTY ZONED CR (COMMERCIAL-RESIDENTIAL DISTRICT) AND LOCATED IN THE EXTENDED HIALEAH DOWNTOWN URBAN CENTER DISTRICT, CONTRA TO HIALEAH CODE §98-1111(21) AS REFERENCED IN HIALEAH CODE §98-891. **PROPERTY LOCATED AT 1765-1795 EAST 4 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 26, 2013, recommended approval of this ordinance.

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

Section 1: The below-described property is hereby granted a variance permit to allow pawnbroking of secondhand jewelry by a retail jewelry store on Property zoned CR (Commercial-residential District) and located within the Extended Hialeah Downtown Urban Center District, contra to Hialeah Code §98-1111(21) as referenced in Hialeah Code §98-891, which provides in pertinent part: "No secondhand or used merchandise shall be offered for sale, displayed or stored except in antique shops and jewelry stores subject to the limitations provided in 98-1111(21)a.1, a.2, a.3 and a.4.".

Property located at 1765-1795 East 4 Avenue, Hialeah, Miami-Dade County, Florida, and legally described as follows:

> LOT 1, BLOCK 8B, OF SIXTH ADDITION TO THE TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed 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.

PASSED and ADOPTED this 25 day of June, 2013.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 28 day of June, 2013.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".