

ORDINANCE NO. 2021-075

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 35 ALWOD ARTIST LIVE/WORK OVERLAY DISTRICT, SECTION 98-1630.17 DEFINITIONS, AND SECTION 98.1630.21 ARTIST STUDIO REGULATIONS TO PROVIDE FOR ART GALLERY AS A PERMITTED USE OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH; 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 July 21, 2021 recommended approval of this ordinance; and

WHEREAS, art galleries are a use consistent with the purpose of the ALWOD district, in promoting artistic activity to enhance the cultural and economic life in the City, regulations are hereby provided.

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 35 Alwod Artist Live/Work Overlay District, Section 98-1630.17 Definitions, and Section 98.1630.21 Artist Studio Regulations, to provide for Art Gallery as a Permitted Use to the code of ordinances, as follows:

Chapter 98

ZONING

* * *

DIVISION 35. - ALWOD ARTIST LIVE/WORK OVERLAY DISTRICT

* * *

ARTICLE V. - ZONING DISTRICT REGULATIONS

* * *

SEC. 98-1630.17. - DEFINITIONS

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Art gallery means a space for display or sale of works of art.

* * *

SEC. 98-1630.21. - Artist studio and art gallery regulations

* * *

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

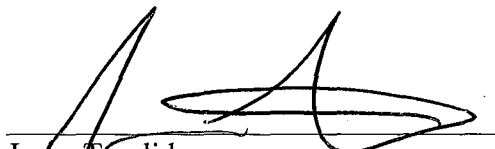
Section 5: Severability Clause.

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.

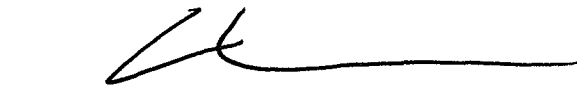
PASSED and ADOPTED this 24 day of August, 2021.


Jesus Tundidor
Council President

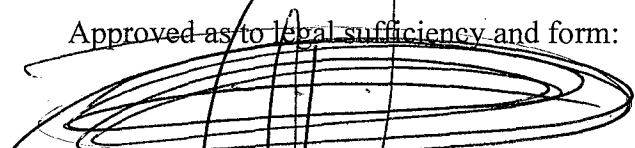
Attest:

Approved on this 3 day of September, 2021.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Hernandez absent.

Strikethrough indicates deletion. Underline indicates addition.

ITEM 6
7-21-21

ORDINANCE NO. _____

ITEM # 10F

AUG 10 2021

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PASSED and ADOPTED this ___ day of _____, 2021.

Jesus Tundidor
Council President

Attest:

Approved on this ___ day of _____, 2021.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

Lorena E. Bravo, City Attorney

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