

**ORDINANCE NO. 2021-087**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A SECONDHAND (MERCHANDISE) DEALER AND PRECIOUS METAL DEALER LOCATED AT A DISTANCE OF 1,110 FEET FROM ANOTHER SECONDHAND (MERCHANDISE) DEALER AND PRECIOUS METAL DEALER, WHERE A DISTANCE OF 2,500 FEET IS REQUIRED; ALLOW 9 PARKING SPACES, WHERE 12 PARKING SPACES ARE REQUIRED AND ALLOW REDUCED LANDSCAPE BUFFERS OF 3 FEET, 4 FEET AND 5 FEET, WHERE 7 FEET IS THE MINIMUM REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-1111(21) AND 98-2189(7) AND CITY OF HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015 ¶ (D)(7). **PROPERTY LOCATED AT 3190 PALM AVENUE, HIALEAH, ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT).** 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 August 11, 2021 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 a secondhand (merchandise) dealer and precious metal dealer located at a distance of 1,110 feet from another secondhand (merchandise) dealer and precious metal dealer, where a distance of 2,500 feet is required, contra to Hialeah Code of Ordinances § 98-1111(21) that provides: “*Secondhand (merchandise) dealers and precious metals dealers—Distance separation requirements.* Where either a secondhand (merchandise) dealer, as defined in article VIII of chapter 18, or precious metals dealer, as defined in article VII of chapter 18, is a permitted use, it shall not be located within a 2,500-foot radius of any other secondhand (merchandise) dealer or precious metals dealer use. No variances of the distance separation requirements shall be granted for new business locations established after March 1, 2010”; allow 9 parking spaces, where 12 parking spaces are required, contra to Hialeah Code of Ordinances § 98-2189(7) that provides: “*Commercial uses, not found elsewhere in this*

*section.* One parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building, and one parking space for each 500 square feet of the remaining floor area. Parking spaces under the building shall not be considered in the calculation of floor areas”; and allow reduced landscape buffers of 3 feet, 4 feet and 5 feet, where 7 feet is the minimum required, contra to City of Hialeah Landscape Manual dated July 9, 2015 ¶ (D)(7) that as relevant provides: “Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3)-foot high wall within a seven (7)-foot landscaped strip incorporating said planting and/or wall on private property. The seven (7)-foot landscape buffer may be reduced subject to the inclusion of improved design features on the site upon approval of the Planning and Zoning Official. Planting material at time of planting shall be a minimum height of thirty-six (36) inches with a maximum average spacing of thirty (30) inches on center”. Property located at 3190 Palm Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District) and legally described as follows:

Lots 10 and 11, Block 192 of IDA M. STEBBINS SUBDIVISION, a subdivision of the NE ¼ of the NW ¼, Section 7, Township 53S, Range 41 E, according to the Plat thereof, as recorded in Plat Book 9 at Page 185, of the Public Records of Miami-Dade County, Florida.  
Parcel Identification Number: 04-3107-016-0280

**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.

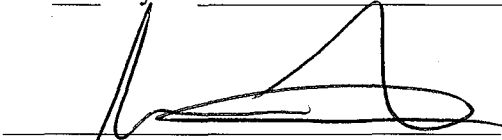
**Section 4: Severability Clause.**

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 14 day of September, 2021.



Jesus Tundidor  
Council President

Attest:

Approved on this 21 day of September, 2021.

  
Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

Ordinance was adopted by 7-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes".



Lorena E. Bravo, City Attorney