

**ORDINANCE NO. 2019-034**

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN ELEMENTARY SCHOOL PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181; PROPERTY ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT); **PROPERTY LOCATED AT 3100 WEST 76 STREET, HIALEAH, FLORIDA.** REPEALING ALL 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 27, 2019, recommended approval of this ordinance; and

**WHEREAS**, the applicant has proffered a declaration of restrictions providing that the property shall be used as granted by this ordinance, and a violation thereof cause its revocation, which the City accepts.

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 granted a conditional use permit (CUP) to allow an elementary school pursuant to Hialeah Code of Ordinances § 98-181. Property located at 3100 West 76 Street, Hialeah, Florida, and legally described as follows:

Tracts 13 and 14 in the SE ¼ of Section 28, Township 52 South, Range 40 East, of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida; less the West 25 feet and less the North 25 feet of Tract 13, for Public Right of Way.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

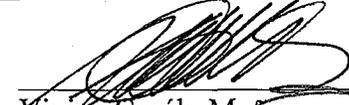
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

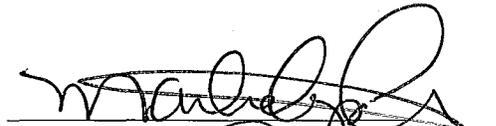
PASSED and ADOPTED this 26 day of March, 2019.

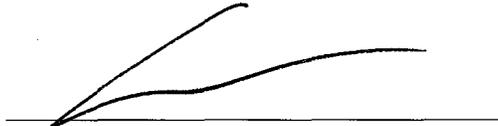
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Vivian Casals-Munoz  
Council President

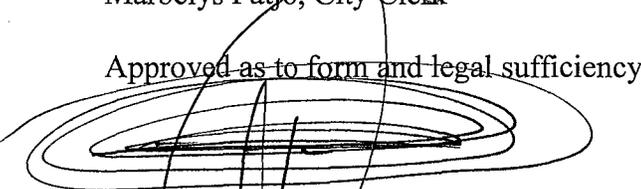
Attest:

Approved on this 3 day of April, 2019.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

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Ordinance was adopted by a 6-0-1 vote with Councilmembers, Caragol, Zogby, Lozano, Casals-Munoz, Hernandez, and Cuenca-Fuente voting "Yes" and Council Vice-President Garcia-Martinez abstaining from voting.