

ORDINANCE NO. 2020-039

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE EXPANSION OF AN EXISTING 55 STUDENT, K-8 SCHOOL TO A 100 STUDENT K-12; VARIANCE PERMIT TO ALLOW 95 PARKING SPACES, WHERE 327 ARE REQUIRED; AND ALLOW 9 OF THOSE 33 EXISTING PARKING SPACES TO BACK OUT INTO THE STREET. **PROPERTY LOCATED AT 5800 PALM AVENUE, HIALEAH, FLORIDA. ZONED R-1 (ONE-FAMILY DISTRICT).** 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 September 25, 2019, recommended approval of this ordinance; and

WHEREAS, the applicant has proffered a declaration of restrictions, 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 the expansion of an existing 55 Student K-8 to a 100 student K-12 elementary school pursuant to Hialeah Code of Ordinances § 98-181.

Section 2: The below described property is granted a variance permit to allow 95 parking spaces, where 327 parking spaces are required, contra to Hialeah Code of Ordinances § 98-2189(9) that provides: "*Elementary, middle and high schools, post-secondary schools, colleges, vocational or trade schools.* One parking space for each 200 square feet of gross floor area of the floor with the greatest area and one parking space for each 400 square feet of all other floors."; and allow 9 of 33 parking spaces to backout into the street as provided in relevant part in Hialeah Code of Ordinances § 98-2190 that states: "In all zoning districts, the parking area shall be so arranged that there is no backout into an adjacent private or public street or right-of-way, except for those lots in low density residential districts or developments." Property located at 5800 Palm Avenue, Hialeah, Florida, and legally described as follows:

The South ½ Tract 27, less the South 20 feet thereof, "SUBDIVISION OF THE EAST ½ OF NW ¼ OF SECTION 31-52-41", according to the Plat thereof, as recorded in Plat Book 9, at Page 32, of the Public Records of Miami-Dade County, Florida.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: 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.

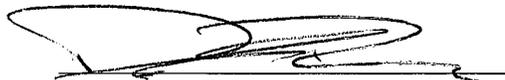
Section 5: Severability Clause.

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 11 day of August, 2020.



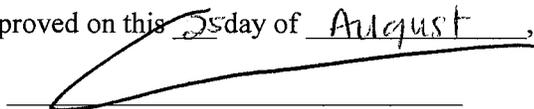
Oscar De la Rosa
Council Vice-President

Attest:



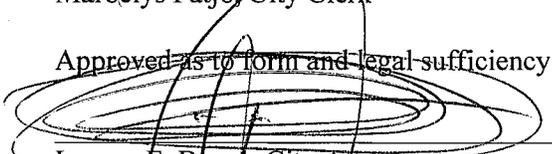
Marbelys Fatjo, City Clerk

Approved on this 25 day of August, 2020.



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 5-0-2 vote with Councilmembers, De la Rosa, Garcia-Roves, Perez, Tundidor and Zogby, voting "Yes" and with Council Member Cue-Fuente not present during roll call and Council President Hernandez absent.