

**ORDINANCE NO. 2018-071**

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE EXPANSION OF AN EXISTING VOCATIONAL SCHOOL PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181; PROPERTY ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT); **PROPERTY LOCATED AT 4400 WEST 12 AVENUE, 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 June 27, 2018, recommended approval of this ordinance; and

**WHEREAS**, the applicant has proffered that units 1251-1253 are the new classrooms units located at 4400 West 12 Avenue, also identified as 1251-1253 West 44 PL, adjacent to the existing school located at 4516 West 12 Avenue, 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 expansion of the existing vocational school pursuant to Hialeah Code of Ordinances § 98-181. Property located at 4400 West 12 Avenue, Hialeah, Florida, and legally described as follows:

All of Tract "A" of RAMS SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 117, at Page 39, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

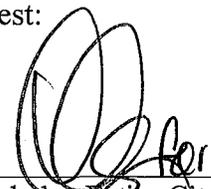
**Section 5: Effective Date.**

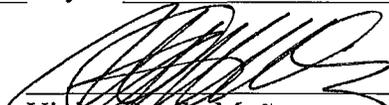
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 28 day of August, 2018.

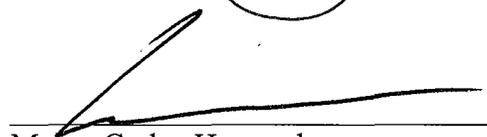
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

Attest:

  
\_\_\_\_\_  
Marbelys Patijo, City Clerk

  
\_\_\_\_\_  
Vivian Casals-Muñoz  
Council President

Approved on this 5 day of September, 2018.

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

Approved as to form and legal sufficiency:

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

Ordinance was adopted by a 4-0-3 vote with Councilmembers, Casals-Munoz, Hernandez, Caragol, and Cue-Fuente voting "Yes" and with Councilmembers Zogby, Lozano and Garcia-Martinez absent.