

ORDINANCE NO. 2018-106

ORDINANCE REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 09-92 (NOVEMBER 17, 2009), THAT ALLOWED A CONDITIONAL USE FOR THE FACILITY ON PROPERTY ZONED C-2, (LIBERAL RETAIL COMMERCIAL DISTRICT) FORMALLY LOCATED AT 3420 WEST 84 STREET, HIALEAH, FLORIDA AND RELEASING THE DECLARATION OF RESTRICTIONS RECORDED IN OR BOOK 27092 AT PAGE 4082 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BINDING UPON THE FORMER FACILITY; AND GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN ADULT MEDICAL EDUCATIONAL FACILITY FOR 50 STUDENTS PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181. **PROPERTY LOCATED AT 3418 WEST 84 STREET, HIALEAH, FLORIDA, ZONED M-1 (INDUSTRIAL 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 August 22, 2018, recommended approval of this ordinance to site a school at 3418 West 84 Street; and

WHEREAS, pursuant to Hialeah, Florida Ord. 09-92 (November 17, 2009), the Mayor and the City Council allowed the school to site at its former address located at 3420 West 84 Street; and

WHEREAS, in conjunction with Hialeah, Florida Ord. 09-92, the developer signed a declaration of restrictions recorded in OR Book 27092 at Page 4082 of the Public Records of Miami-Dade County, Florida, which is no longer needed.

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 adult medical educational facility for 50 students pursuant to Hialeah Code of Ordinances § 98-181. Property located at 3418 West 84 Street, Hialeah, Florida, and legally described as follows:

Condominium Parcel/Unit number 100, Condominium Parcel/Unit number 102, Condominium Parcel/Unit number 104, Condominium Parcel/Unit number 106, Condominium Parcel/Unit number 108, Condominium Parcel/Unit number 110, in Building B (a/k/a Units B-100, B-102, B-104, B-106, B-108 and B-110), of HIALEAH LAKES OFFICE PARK CONDOMINIUM, a condominium, according to the Declaration of Condominium thereof, as recorded on the 15th day of December, 2005 in Official Records Book 24055, Page 3599, of the Public Records of Miami-Dade County, Florida and as amended by the First Amendment to Declaration of Condominium of Hialeah Lakes Office Park Condominium – Adding Phase 2 recorded on the 27th day of March, 2006 in Official Records Book 24366 at Page 2671 and the Second Amendment to Declaration of Condominium of Hialeah Lakes Office Park Condominium – Adding Phase 3 recorded on the 27th day of March, 2006, in official Records Book 24374 at Page 4242 of the Public Records of Miami-Dade County, Florida and any further amendments thereto together with an undivided interest in the common elements appurtenant thereto, as set forth in said Declaration.

Section 2: Hialeah, Fla. Ordinance 09-92 (November 17, 2009), is hereby repealed and rescinded in its entirety, and the declaration of restrictions recorded in OR Book 27092 at Page 4082 is hereby released.

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.

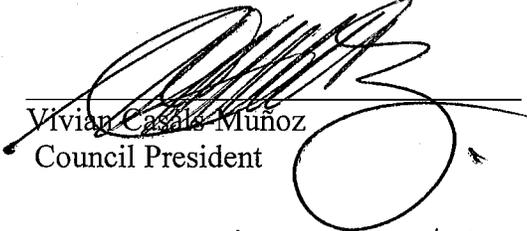
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

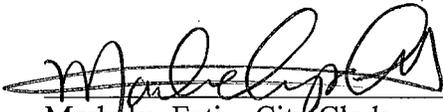
PASSED and ADOPTED this 25 day of September, 2018.

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


Vivian Casals-Munoz
Council President

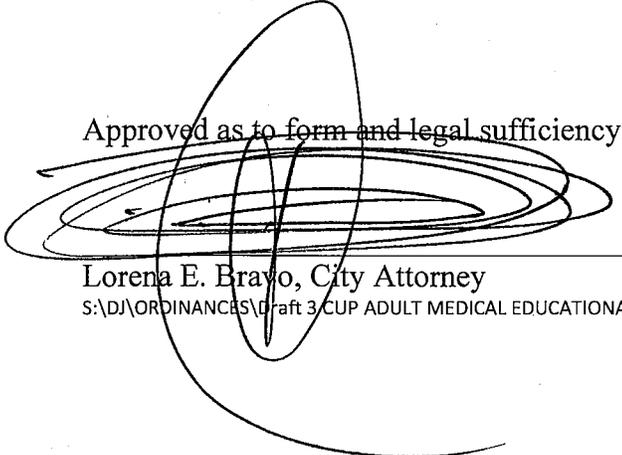
Attest:

Approved on this 1 day of October, 2018.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Hernandez, Caragol, and Cue-Fuente voting "Yes" and Garcia-Martinez absent.