ORDINANCE NO. 2014-62

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A BEAUTY SCHOOL (VOCATIONAL SCHOOL) WITH A TOTAL MAXIMUM OCCUPANCY OF 45 PERSONS AT ANY TIME THE SCHOOL IS IN OPERATION, INCLUSIVE OF STUDENTS, STAFF, INSTRUCTORS, EMPLOYEES AND GUESTS, PURSUANT TO HIALEAH CODE §98-181(2)i, ON PROPERTY ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT). **PROPERTY LOCATED AT 5090 WEST 12 AVENUE, HIALEAH, FLORIDA.** 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 23, 2014, recommended approval of this ordinance; and

WHEREAS, the petitioner proffered a declaration of restrictive covenants limiting the maximum occupancy for the building to 45 persons at any time the school is in operation or open for business, including staff, students and guests, to 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 foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The below-described property is hereby granted a conditional use permit (CUP) to allow a beauty school with a maximum occupancy of 45 persons at any time the school is in operation, inclusive of students, staff, and guests, pursuant to Hialeah Code §98-181(2)i., on property zoned C-2 (Liberal Retail Commercial District). The property is located at 5090 West 12 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

> THE SOUTH 115.00 FEET OF THE NORTH 445.00 FEET THE WEST 200.00 FEET OF THE EAST 235.00 FEET OF SECTION 2, TOWNSHIP 53 SOUTH, RANGE 40 EAST, LYING IN THE DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 2, THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 2 FOR A DISTANCE OF 35.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 2 FOR A DISTANCE OF 330.10 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED, THENCE WESTERLY ALONG A LINE 330.00 FEET SOUTH OF AND PRALEGAL WITH THE NORTH LINE OF SAID SECTION 2 FOR A DISTANCE OF 200.07 FEET, THENCE SOUTHERLY ALONG ALINE 235.00 FEET WEST OF AN PARALLEL WITH THE EAST LINE OF SAID SECTION 2 FOR A DISTANCE OF 115.04 FEET, THENCE EASTERLY ALONG A LINE 445.00 FEET SOUTH OF AN PRALLEL WITH THE NORTH LINE OF SAID SECTION 2 FOR A DISTANCE OF 200.07 FEET, THENCE NORTHERLY ALONG A LINE 35.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 2 FOR A DISTANCE OF 115.04 FEET TO THE POINT OF BEGINNING.

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 punished by 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: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a revocation of the

city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

Section 6: 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 7: 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 13 day of Novermber, 2014.

Isis Garcia Martinez
Council President

Attest:

Approved on this 21 day of November, 2014.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, Acting City Attorney

Ordinance was adopted by a 6-0-1 vote with Council Members Caragol, Casáls-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, & Lozano voting "Yes", & Councilmember Cue-Fuente absent.

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