ORDINANCE NO. 2015-15

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A VOCATIONAL SCHOOL PURSUANT TO HIALEAH CODE §98-181(2)i, ON PROPERTY ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT). **PROPERTY LOCATED AT 5335 WEST 20 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 March 11, 2015 recommended approval of this ordinance; and

WHEREAS, the Petitioner proffers to a declaration of restrictive covenants limiting the total number occupants, including students and staff, not to exceed six per shift, with a minimum of a thirty (30) minute lapse between the shifts, 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 vocational school pursuant to Hialeah Code §98-181(2)i., on property zoned C-2 (Liberal Retail Commercial District). The property is located at 5335 West 20 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

> LOT 2, IN BLOCK 1, OF VERSAILLES MANOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS BEGINNING 175.88 FEET NORTH OF

THE SOUTHWEST CORNER OF SAID LOT 2; THENCE EAST 195 FEET, NORTH 105 FEET, WEST 199.18 FEET, SOUTH 105.08 FEET TO THE POINT OF BEGINNING.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 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 4: 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 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 14 day of April, 2015.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 17 day of April, 2015.

~~Carmen B. Hernandez~~ Marbelys Fatjo
~~Acting City Deputy Clerk~~ 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 Council Members Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, & Lozano voting "Yes", & Councilmember Caragol, 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.

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