

ORDINANCE NO. 2020-064

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN EXISTING K-5 GRADE SCHOOL WITH COMBINED MAXIMUM ENROLLMENT OF 148 STUDENTS WITH NO MORE THAN 88 STUDENTS IN K-5 WITHIN A FACILITY THAT ALSO INCLUDES A DAYCARE WITH AN ENROLLMENT OF 60 STUDENTS, PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181. **PROPERTY LOCATED AT 1265 WEST 66 STREET, HIALEAH, ZONED R-3 (MULTIPLE FAMILY DISTRICT).** 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 September 9, 2020 recommended approval of this ordinance; and

WHEREAS, the developer has proffered a Declaration of Restrictions, 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 below described property is granted a conditional use permit (CUP) to allow an existing K-5 grade school with a maximum enrollment of 148 and no more than 88 students in K-5 within a facility that also includes a daycare with an enrollment of 60 students, pursuant to Hialeah Code of Ordinances § 98-181.

Section 2: Property located at 1265 West 66 Street, Hialeah, Florida and legally described as follows:

Lots 3, 4 and 5, Block 17, FIRST ADDITION TO WESTHAVEN HEIGHTS, according to the Plat thereof, as recorded in Plat Book 65 at Page 42, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 or declaration of restrictions, 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.

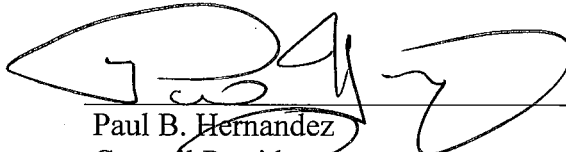
Section 5: Severability Clause.

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.

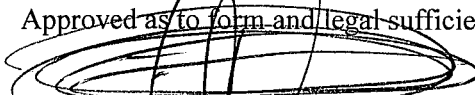
PASSED and ADOPTED this 27 day of October, 2020.


Paul B. Hernandez
Council President

Attest: Approved on this 10 day of November, 2020.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Hernandez, Perez, Tundidor and Zogby voting "Yes" and with Council Vice President De la Rosa absent.