

ORDINANCE NO. 2020-078

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181 TO ALLOW AN EXISTING K-6 GRADE SCHOOL WITH AN ENROLLMENT OF 105 STUDENTS WITHIN A FACILITY THAT ALSO INCLUDES A DAYCARE WITH AN ENROLLMENT OF 59 STUDENTS; AND GRANTING A VARIANCE PERMIT TO ALLOW 6 ON-SITE PARKING SPACES, WHERE 19 PARKING SPACES ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189(8). **PROPERTY LOCATED AT 891 WEST 29 STREET, HIALEAH, ZONED C-2 (LIBERAL RETAIL COMMERCIAL 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 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) pursuant to Hialeah Code of Ordinances § 98-181 to allow an existing K-6 grade school with an enrollment of 105 students within a facility that also includes a daycare with an enrollment of 59 students.

Section 2. The below described property is granted a variance permit to allow 6 on-site parking spaces, where 19 parking spaces are required, contra to Hialeah Code of Ordinances § 98-

2189(8) that provides: “*Day care centers, child care facilities, kindergarten and preelementary schools.* One parking space for each 400 square feet of gross floor area. Safe and convenient ingress and egress to the center, facility or school, including a dropoff area, is required.” Property located at 891 West 29 Street, Hialeah, zoned C-2 (Liberal Retail Commercial District) and legally described as follows:

Lots 28, 29 and 30, in Block 13 of “WEST HIALEAH HEIGHTS”, according to the Plat thereof, as recorded in Plat Book 22, Page 14, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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, 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.

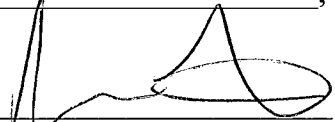
Section 5: Severability Clause.

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.

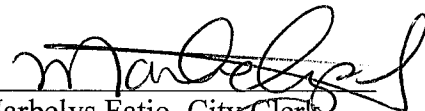
PASSED and ADOPTED this 24 day of November, 2020.



Jesus Tundidor
Council President

Attest:

Approved on this ___ day of _____, 2020

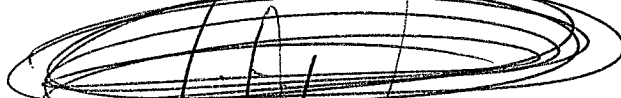


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-0-3 vote with Councilmembers, De la Rosa, Hernandez, Perez and Tundidor voting "Yes" and with Council Member Cue-Fuente, Council Member Garcia-Roves and Council Member Zogby absent.