

ORDINANCE NO. 2021-090

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181 TO ALLOW A FLIGHT ACADEMY INCLUDING 20 FLIGHT SIMULATORS WITH MAXIMUM CAPACITY OF 60 PILOTS, INCLUDING INSTRUCTORS WITHIN A 67,654 SQUARE FEET BAY, AND VARIANCE PERMIT TO ALLOW 82 PARKING SPACES, WHERE 339 PARKING SPACES ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189(9). **PROPERTY LOCATED AT 1125 SE 8 STREET, HIALEAH, ZONED M-1 (INDUSTRIAL 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 August 11, 2021, 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 (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a flight academy including 20 flight simulators with maximum capacity of 60 pilots, including instructors within a 67,654 square feet bay.

Section 2: The below-described property is hereby granted a variance permit to allow 82 parking spaces, where 339 parking spaces are required, contra to Hialeah Code of Ordinances § 98-2189(9) that provides: “*Elementary, middle and high schools, post-secondary schools, colleges, vocational or trade schools.* One parking space for each 200 square feet of gross floor area of the floor with the greatest area and one parking space for each 400 square feet of all other floors. Housing facilities on college campuses must provide off-street parking of one parking space for every two residents.” Property located at 1125 SE 8 Street, Hialeah, zoned M-1 (Industrial District) and legally described as follows:

Tract “A” of AXIS PARK, according to the Plat thereof, as recorded in Plat Book 174, at Page 83, of the Public Records of Miami-Dade County, Florida. Said lands situate, lying and being in the City of Hialeah, Miami-Dade County, Florida, and containing 895,793 square feet (20,5646 acres) more or less.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

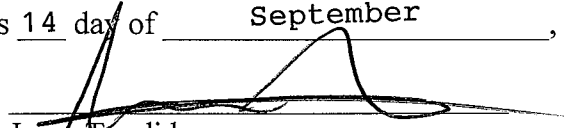
Section 5: Severability Clause.

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.

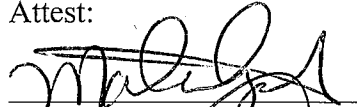
Section 6: Effective Date.

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.

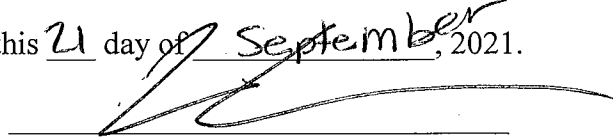
PASSED and ADOPTED this 14 day of September, 2021.


Jesus Tundidor
Council President

Attest:


Marbelys Fatjo, City Clerk

Approved on this 21 day of September, 2021.


Mayor Carlos Hernandez
Ordinance was adopted by 7-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes".

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney