

ORDINANCE NO. 2022-002

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181 TO ALLOW AN ELEMENTARY SCHOOL WITH AN ENROLLMENT OF 96 STUDENTS WITHIN A FACILITY THAT ALSO INCLUDES A DAYCARE WITH AN ENROLLMENT OF 139 CHILDREN OPERATING ON THE FIRST AND SECOND FLOOR OF AN EXISTING SHOPPING PLAZA. **PROPERTY LOCATED AT 585 EAST 49 STREET AND 590 EAST 50 STREET, HIALEAH, ZONED C-1 (RESTRICTED RETAIL COMMERCIAL 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 December 8, 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 use permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow an elementary school with an enrollment of 96 students within a facility that also includes a daycare with an enrollment of 139 children operating on the first and second floor of an existing shopping plaza. Property located at 585 East 49 Street and 590 East 50 Street, Hialeah, zoned C-1 (Restricted Retail Commercial District) and legally described as follows:

Lots 11, 12, 13 and 14, Block 8, PETERS PARK REVISED PLAT OF TRACT 1 & 8, according to the Plat thereof, as recorded in Plat Book 33, at Page 79, of the Public Records of Miami-Dade County, Florida, less the South 7.00 feet thereof; and the East 102.97 feet of the North ½ of Tract 8 of REVISED PLAT OF PETERS PARK, according to the Plat thereof, as recorded in Plat Book 33, at Page 28 of the Public Records of Miami-Dade County, Florida.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

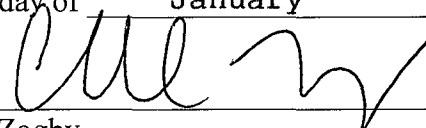
Section 4: Severability Clause.

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 5: 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 11 day of January, 2022.



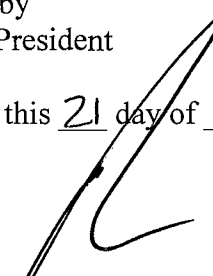
Carl Zogby
Council President

Attest:

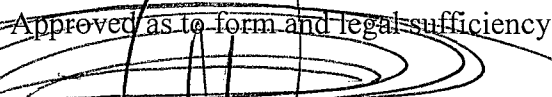
Approved on this 21 day of January, 2022.



Marbelys Fajó, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency


Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-0-3 vote with Councilmembers, Calvo, Rodriguez, Tundidor, and Zogby voting "Yes" and with Council Vice President Perez and Council Members De la Rosa and Garcia-Roves absent.