

ORDINANCE NO. ~~2022-021~~

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181 TO ALLOW A 96-STUDENT K-5 GRADE SCHOOL IN CONJUNCTION WITH AN EXISTING 78-STUDENT DAYCARE WITH A TOTAL OF 9 STAFF MEMBERS; AND ALLOW 126 PARKING SPACES, WHERE 186 PARKING SPACES ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189(9). **PROPERTY LOCATED AT 5916 WEST 16 AVENUE, HIALEAH, ZONED C-2 (LIBERAL 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 January 12, 2022, 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 a K-5 grade elementary in conjunction with an existing 78-student daycare with a total of 9 staff members; and allow 126 parking spaces, where 186 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.” Property located at 5916 West 16 Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District). and legally described as follows:

Tract A of PERLMAN SUBDIVISION NO. 1, according to the Plat thereof, as recorded in Plat Book 99, at Page 26, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

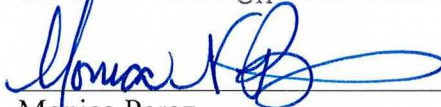
Section 4: Severability Clause.

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 22 day of March, 2022.



Monica Perez
Council Vice-President

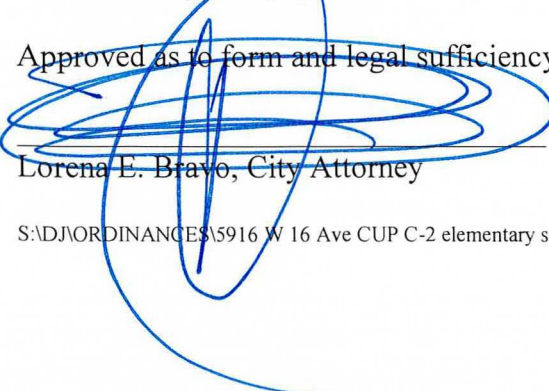
Attest:

Approved on this 7 day of April, 2022.

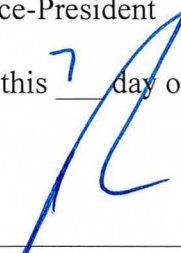


Marbelys Fatjo, City Clerk

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney



Mayor Esteban Bovo, Jr.

Ordinance was adopted by 6-0-1 vote with Councilmembers Calvo, Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, and Tundidor voting "Yes" and with Council President Zogby absent.