

ORDINANCE NO. 2022-037

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A K-2 GRADE SCHOOL WITH A MAXIMUM ENROLLMENT OF 20 STUDENTS, PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181. **PROPERTY LOCATED AT 4975 WEST 6 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 September 8, 2021 recommended approval of this ordinance; and

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 a K-2 grade school with a maximum enrollment of 20 students, pursuant to Hialeah Code of Ordinances § 98-181.

Section 2: Property located at 4975 West 6 Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District) and legally described in Exhibit “A” attached.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

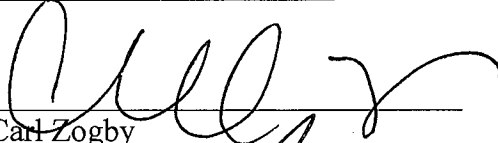
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 26 day of April, 2022.

THE FOREMAN OF THE COURT OF PUBLIC ACCOUNTS OF THE STATE OF FLORIDA
ATTEST: FOR THE FIRST READING

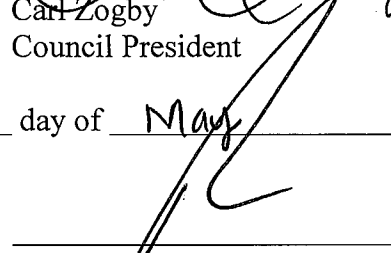


Carl Zogby
Council President

Approved on this 5 day of May, 2022.



Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

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