

ORDINANCE NO. 2022-052

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) PURSUANT TO HIALEAH CODE OF ORDINANCES §98-161 TO ALLOW AN ADULT DAY TRAINING AND CARE CENTER FOR YOUNG PEOPLE WITH DISABILITIES ANCILLARY TO AN EXISTING CHURCH AND SCHOOL; **PROPERTY LOCATED AT 5800 PALM AVENUE, HIALEAH, ZONED R-1 (ONE-FAMILY 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 April 13, 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 hereby granted a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow an adult day training and care center for young people with disabilities ancillary to an existing church and school with the condition that on-street parking spaces be constructed. Property located at 5800 Palm Avenue, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

The South ½ Tract 27, less the South 20 feet thereof, **“SUBDIVISION OF THE E ½ OF NW ¼ OF SECTION 31-52-41”**, according to the Plat thereof, as recorded in Plat Book 9, at Page 32 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 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 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 14 day of June, 2022.



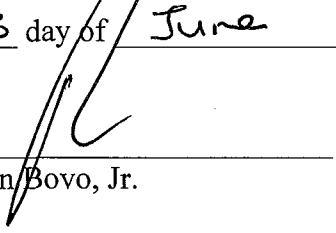
Carl Zogby
Council President

Attest:

Approved on this 23 day of June, 2022.

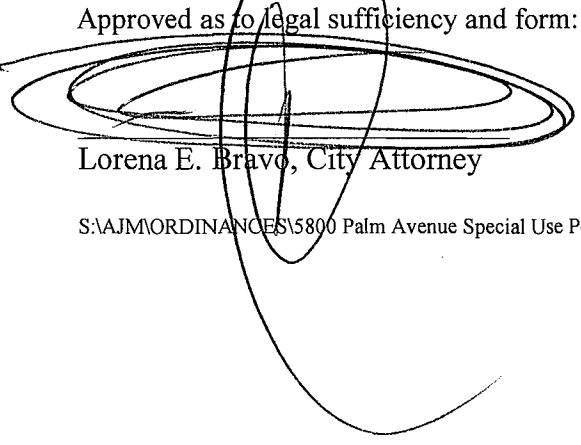


Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-2-1 vote with Councilmembers Calvo, Garcia-Roves, Rodriguez, and Zogby voting "Yes" and with Councilmembers Casáls-Muñoz, and Tundidor voting "No" with Council Vice President Perez absent.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.