

ORDINANCE NO. 2019-026

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98, "ZONING", ARTICLE VI, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 5 ENTITLED "USES", SUBDIVISION VIII, ENTITLED "ASSISTED LIVING FACILITIES" §§ 98-1956 AND 98-1957; PROVIDING FOR A DISTANCE SEPARATION OF 1,200 FEET FROM ANOTHER EXISTING ASSISTED LIVING FACILITY, NOT OTHERWISE LICENSED UNDER CHAPTER 419 OF THE FLORIDA STATUTES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 13, 2019 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1.: Chapter 98, entitled "Zoning", Article VI, entitled "Supplementary District Regulations", Division 5 entitled "Uses", Subdivision VIII, entitled "Assisted Living Facilities" §§ 98-1956 and 98-1957, of the code of ordinances is hereby amended as follows:

Chapter 98

ZONING

* * *

ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 5. - USES

* * *

SUBDIVISION VIII. ASSISTED LIVING FACILITIES

Sec. 98-1956. - ~~Special~~ Conditional use permit required.

Assisted living facilities (ALFs) shall not be permitted except by ~~special~~ conditional use permit in accordance with division ~~5~~ 6 of article II of this chapter.

Sec. 98-1957. - Application for special conditional use permit.

(a) All ~~special~~ conditional use permit applications for assisted living facilities shall be accompanied by all documents provided to the state department of health and rehabilitative services for licensure.

(b) In addition to the state department of health and rehabilitative services licensing requirements, all assisted living facilities applications shall:

(1) Provide the name and emergency contact numbers of current attending physicians;

(2) If the facility houses residents with the mentally ill health issues, have specific designation for the provision of limited mental health services in its license, as required by F.S. § 400.407, F.S. 429.075 as applicable;

(3) Provide an identification sign as required in ~~chapter~~ § 74-147

(2) (e);

(4) Have residential-type, see-through fencing six feet in height to provide an adequate buffer from adjacent properties; and

(5) ~~The state department of health and rehabilitative services requirement of~~ Provide 35 square feet of recreational space requirements shall be exclusive of

bedrooms, closets, kitchens, and administrative offices.

(c) Zoning Districts. An ALF shall be permitted in the following zoning districts: R-3, R-3-1, R-3-2, R-3-3, R-3-4, R-3-5, C-1, C-2, CBD and CR.

(d) Distance requirements. An ALF shall not be permitted within a radius of 1,200 feet of another existing ALF, not otherwise licensed under chapter 419 of the Florida Statutes.

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: Inclusion in Code. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

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.

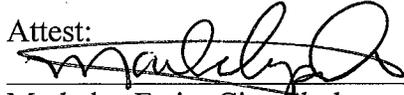
PASSED and ADOPTED this 26 day of March, 2019.

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


Vivian Casals-Muñoz
Council President

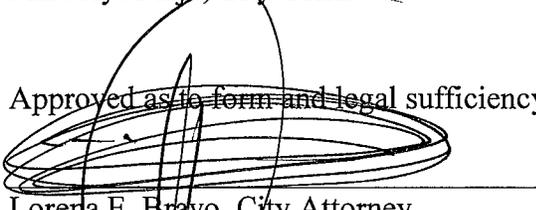
Approved on this 3 day of April, 2019.

Attest:


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

~~Strikethrough indicates deletion.~~ Underline indicates addition.

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Ordinance was adopted by a 7-0 vote with Councilmembers, Caragol, Zogby, Lozano, Casáls-Munoz, Hernandez, Garcia-Martinez and Cue-Fuente voting "Yes".