

ORDINANCE NO. 2018-010

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE VI, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 5 ENTITLED "USES", BY ADDING SUBDIVISION XIII ENTITLED "PRESCRIBED PEDIATRIC EXTENDED CARE", BY ADDING § 98-2034 "PRESCRIBED PEDIATRIC EXTENDED CARE"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 10, 2018, recommended of this ordinance.

WHEREAS, the adoption of zoning and land use planning is a fundamental function of local government; and

WHEREAS, this update is to promote the public health, safety, and welfare.

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", is hereby amended by adding Subdivision XIII entitled "Prescribed Pediatric Extended Care", and adding § 98-2034 "Prescribed Pediatric Extended Care" to the code of ordinances as follows:

Chapter 98

ZONING

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ARTICLE VI. SUPPLEMENTARY DISTRICT

REGULATIONS

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DIVISION 5. - USES

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SUBDIVISION XIII ENTITLED PRESCRIBED PEDIATRIC
EXTENDED CARE

Sec. 98-2034 -"Prescribed Pediatric Extended Care".

(a) Definition. Prescribed Pediatric Extended Care (PPEC) means a non-residential setting that provides continual medical care for children from birth through age 20 with medically-complex conditions. PPECs provide nursing services, personal care, developmental therapies, and caregiver training. Infants and children considered for admission to the PPECC facility require continual care, including, but not limited to, ventilator dependence, seizure disorders, chronic lung disorder, supplemental oxygen, I.V. therapy, malignancy, tracheotomy, heart disease, etc. The PPECC provides a less-restrictive alternative to institutionalization and reduces the isolation which the home-bound, medically dependent child may experience. A PPEC is an out-patient health care service prescribed by a physician for children who are medically and/or technologically dependent. As part of the continuum of care for medically dependent children, the PPECC includes an array of services focused on meeting the physiological as well as developmental, physical, nutritional and social needs of the children served. Children are placed in a PPECC facility because their medical condition requires continuous therapeutic interventions.

(b) Permitted use. A Prescribed Pediatric Extended Care (PPEC) shall be permitted in commercial districts zoned C-1, C-2, CBD and CR only by conditional use permit granted in accordance with division 6 of article II of this chapter, and shall provide in the application:

- i. The name of the licensing agency;
- ii. The name of the operator of the facility;
- iii. The street address of the facility;
- iv. A description of programs to be provided or offered by the facility;
- v. Status of all applicable federal, state and county licenses and authorization or certification;
- vi. Specifications as to how the proposed facility meets applicable licensing criteria for the safe care and supervision of the clients in the facility;

REGULATIONS

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DIVISION 5. - USES

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- iv. A description of programs to be provided or offered by the facility;
- v. Status of all applicable federal, state and county licenses and authorization or certification;
- vi. Specifications as to how the proposed facility meets applicable licensing criteria for the safe care and supervision of the clients in the facility;

vii. A description of the treatment to be provided; and

viii. The number of employees, shifts, and duties of each.

(c) Parking: Safe and convenient ingress and egress to the center including a designated drop-off area to accommodate no less than 3 cars, 1 parking space for every five children, 1 parking space for every staff member.

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: 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 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

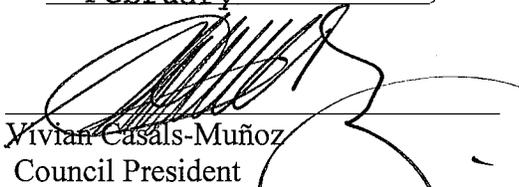
invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

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 withhold or if the City Council overrides the Mayor's veto.

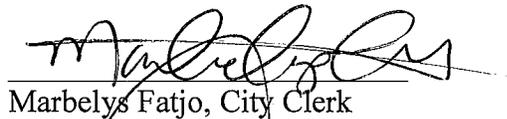
PASSED and ADOPTED this 13 day of February, 2018.

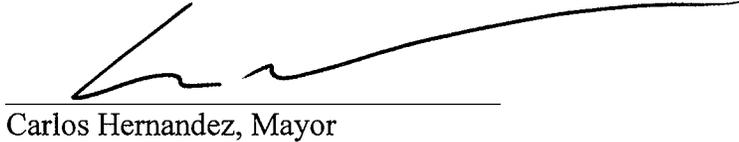
THE FOREGOING ORDINANCE
OF THE CITY OF WILMINGTON WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 106.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

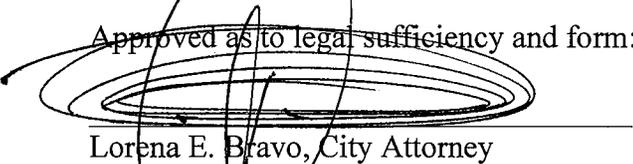
Attest:

Approved on this 14 day of February, 2018.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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