

**ORDINANCE NO. 2019-093**

ORDINANCE ALLOWING THE CONTINUED OPERATION OF AN EXISTING HOSPITAL TO ALLOW IN THE FUTURE BUILDING ADDITIONS AND/OR EXPANDED USES. PROPERTY ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT). **PROPERTY LOCATED AT 1435 AND 1475 WEST 49 PLACE, HIALEAH FLORIDA.** 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 regular meeting of September 25, 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:** The below-described property is hereby granted a Conditional Use Permit (CUP) to allow the continued operation of an existing hospital to allow in the future building additions and/or expanded uses, in the future. Property located at 1435 and 1475 West 49<sup>th</sup> Place, Hialeah Florida, zoned C-2 (Liberal Retail Commercial District), and legally described in attached Exhibit "A".

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

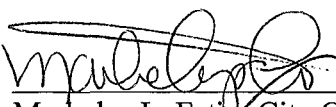
PASSED and ADOPTED this 22 day of October, 2019.

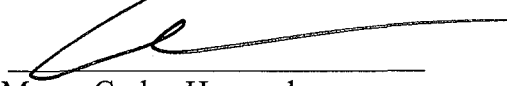
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 186.041  
PRIOR TO FINAL READING.

Attest:


Approved on this 29 day of October, 2019.

  
Vivian Casals-Munoz  
Council President

  
Marbelys L. Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\1465 & 1475 W. 49 Place - CUP Larkin Hospital Palm Springs Campus.doc

10/2/2019 11:32 AM

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Caragol, Zogby, Hernandez, Casals-Munoz, Garcia-Martinez and Cue-Fuente voting "Yes" and with Councilmember Lozano absent.