

ORDINANCE NO. 2019-019

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) AND SPECIAL USE PERMIT (SUP) TO ALLOW A PRESCRIBED PEDIATRIC EXTENDED CARE FACILITY PURSUANT TO HIALEAH CODE OF ORDINANCES §§ 98-161 AND 98-181; PROPERTY ZONED GUD (MAJOR INSTITUTIONS LAND USE); **PROPERTY LOCATED AT 7100 WEST 20 AVENUE, SUITE G-126, HIALEAH, FLORIDA.** REPEALING ALL 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 February 13, 2019, recommended approval of this ordinance; and

WHEREAS, the applicant has proffered a declaration of restrictions providing that the property shall be used as granted by this ordinance, and a violation thereof cause its revocation, 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 granted a conditional use permit (CUP) and a special use permit (SUP) to allow a Prescribed Pediatric Extended Care Facility pursuant to Hialeah Code of Ordinances §§ 98-161, et. al., and 98-181. Property located at 7100 West 20 Avenue, Suite G126, Hialeah, Florida, and legally described in the 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

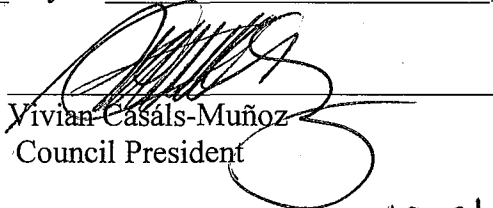
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 12 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.
Attest:

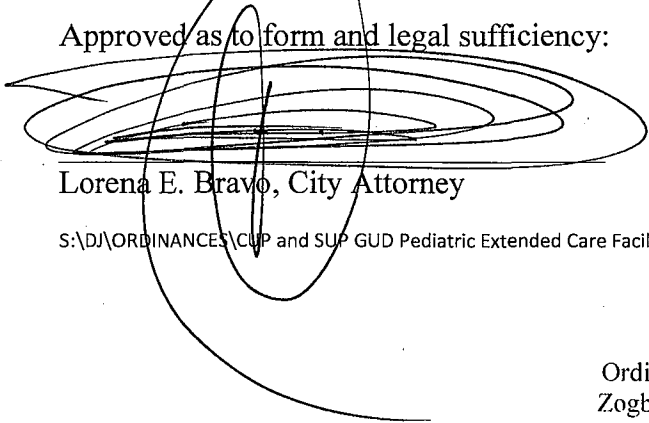

Vivian Casals-Munoz
Council President

Approved on this 12 day of March, 2019.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

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

EXHIBIT A

A portion of Tracts 54 and 55, Florida Fruit Land Company's Subdivision No. 1, of Section 27, Township 52 South, Range 40 East, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami - Dade County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Lot 1, Block 1, Surgical Services Subdivision, according to the plat thereof, as recorded in Plat Book 127, at Page 47, of the Public Records of Miami - Dade County, Florida;

Thence North $89^{\circ} 38' 25''$ East along the South line of said Lot 1, and the North line of Tract 55, a distance of 274.91 feet to the Point of Beginning;

Thence North $53^{\circ} 47' 21''$ East, a distance of 113.98 feet;

Thence South $36^{\circ} 12' 39''$ East, a distance of 170.21 feet;

Thence South $53^{\circ} 38' 33''$ West, a distance of 55.57 feet to a point on a non-tangent curve concave to the Northwest (a radial line through said point bears North $59^{\circ} 09' 50''$ East);

Thence Southwesterly along the arc of said curve, having a radius of 8.98 feet, a central angle of $168^{\circ} 57' 26''$ and an arc distance of 26.48 feet;

Thence South $53^{\circ} 38' 33''$ West, a distance of 44.30 feet;

Thence South $36^{\circ} 21' 27''$ East, a distance of 15.00 feet;

Thence South $53^{\circ} 38' 33''$ West, a distance of 54.41 feet;

Thence North $36^{\circ} 21' 27''$ West, a distance of 15.00 feet;

Thence South $53^{\circ} 38' 33''$ West, a distance of 74.10 feet;

Thence North $36^{\circ} 21' 27''$ West, a distance of 83.38 feet;

Thence North $00^{\circ} 18' 23''$ West, a distance of 68.12 feet;

Thence North $36^{\circ} 12' 39''$ West, a distance of 32.28 feet;

Thence North $53^{\circ} 47' 21''$ East, a distance of 92.54 to the Point of Beginning.

Said lands situate, lying and being in Miami-Dade County, Florida.