ORDINANCE NO. 13-25

ORDINANCE REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 2005-106 (NOVEMBER 10, 2005), REZONING PROPERTY FROM R-1 (ONE FAMILY RESIDENTIAL DISTRICT) TO R-O (RESIDENTIAL OFFICE DISTRICT) TO ALLOW THE DEVELOPMENT OF A RESIDENTIAL OFFICE ACCORDING TO THE SITE PLAN PREPARED BY TIRSO P. MARTINEZ, ARCHITECT, AND GRANTING A VARIANCE PERMIT TO ALLOW SIX BUSINESS TAX RECEIPTS (OCCUPATIONAL LICENSES), WHERE A MAXIMUM OF TWO ARE ALLOWED, CONTRA TO HIALEAH CODE §98-778(2) ON PROPERTY ZONED R-O (RESIDENTIAL OFFICE DISTRICT). **PROPERTY LOCATED AT 4980 PALM AVENUE, 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 meeting of March 13, 2013, recommended approval of this ordinance; and

WHEREAS, the applicant proffered a declaration of restrictions covenanting that two business tax receipts (occupational licenses) shall be issued to only two professionals, who may practice at the same time on the property, and the remaining four business tax receipts (occupational licenses) shall be issued only to persons engaging in occupations that are auxiliary to the professions being practiced on the property; 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1: **Repeal of Hialeah, Fla., Ordinance 2005-106.** Hialeah, Fla., Ordinance 2005-106 (November 10, 2005) is hereby repealed and rescinded in its entirety.

Section 2: The below-described property is hereby rezoned from R-1 (One Family Residential District) to R-O (Residential Office District) to allow the development of a residential office according to the site plan prepared by Tirso P. Martinez, Architect, and dated February 15, 2013.

Section 3: The below-described property is hereby granted a variance permit to allow the issuance of six business tax receipts (occupational licenses), where a maximum of two are allowed, on property zoned R-O (Residential Office District), contra to Hialeah Code §98-778(2), which provides in pertinent part: "In the RO residential office district, limitation on uses shall be as follows:...(2) No more than two occupational licenses shall be issued for each address; provided, however, if an individual processional or practitioner holds more than two state licenses that require separate occupational licenses, the individual must present a copy of the state licenses to the licensing division prior to obtaining city occupational licenses." The property is located at 4980 Palm Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

> THE NORTH 100 FEET OF TRACT 13-B, IN BLOCK 13, OF U-LE-LAH SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGE 43 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITH THE ADJACENT SIX FEET OF THAT ALLEY LYING WEST AND ADJACENT THERETO, CLOSED PER HIALEAH RESOLUTION NO. 94-104 (NOVEMBER 15, 1994).

Section 4: Repeal of Ordinances in Conflict.

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

Section 5: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed by 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 6: 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 7: 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 09 day of April, 2013.

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

Isis Garcia-Martinez
Council President

Attest:

Approved on this 11 day of April, 2013.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".