ORDINANCE NO. 2014-04

ORDINANCE REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 1981-128 (SEPTEMBER 22, 1981), AND 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 RWB LINARES, ARCHITECTURE, DATED OCTOBER 11, 2013, ON PROPERTY ZONED R-1 (ONE FAMILY RESIDENTIAL DISTRICT). **PROPERTY LOCATED AT 355 WEST 49 STREET, 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 November 13, 2013, recommended approval of this ordinance; and

WHEREAS, the applicant proffered to improve and pave the driveways utilizing stamped asphalt, stamped concrete, cobblestone or brick pavers; 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1: **Repeal of Hialeah, Fla., Ordinance 1981-128.** Hialeah, Fla., Ordinance 1981-128 (September 22, 1981) is hereby repealed and rescinded in its entirety.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 RWB Linares,

Architecture, and dated October 11, 2013. The property is located at 355 West 49 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

> THE WEST 100 FEET OF THE EAST 350 FEET OF TRACT 16A, LESS THE NORTH 135 FEET THEREOF, IN BLOCK 16, OF THE REVISED PLAT OF U-LE-LAH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34, AT PAGE 43, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: 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 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 withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 14 day of January, 2014

Isis Garcia-Martinez
Council President

Attest:

Approved on this 15 day of January, 2014

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

S:\LEB\LEGISLATION\2013-ORDS\355West49Street-rescissionORD81-128-rezoneRO-NOV13.docx