

ORDINANCE NO. 2019-041

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL GRANTING A VARIANCE PERMIT TO ALLOW ONE LED READER BOARD PYLON SIGN ON PROPERTY LOCATED OUTSIDE THE LED GEOGRAPHIC AREA; ALLOW A SIGN AREA OF 200 SQUARE FEET WHERE 120 FEET IS THE MAXIMUM ALLOWED; ALLOW A HEIGHT OF 36 FEET WHERE A MAXIMUM OF 20 FEET IS ALLOWED; ALLOW AN EMBELLISHMENT OF 4 FEET SYMBOLIZING A MAST ABOVE THE 36 FEET; AND ALLOW A 5 FOOT SETBACK, WHERE 20 FEET IS THE MINIMUM REQUIRED; CONTRA TO HIALEAH LAND DEVELOPMENT CODE §§ 74-149(b), 74-149(g)(2)(b) AND (c); AND HIALEAH CODE OF ORDINANCES § 74-218 (1)(e). PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 8155 WEST 28 AVENUE, 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 April 10, 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 variance permit to allow one LED reader board pylon sign on property located outside the LED geographic area, contra to Hialeah Land Development Code § 74-149(b) that provides as follows: “LED signs. *Geographic area*. The LED regulations are limited to a geographic area comprising of three distinct areas: (1) properties fronting West 49 Street, from the west side of West 4 Avenue to West 20 Avenue; (2)

properties fronting West 16 Avenue, from Okeechobee Road to West 49 Street; and (3) properties fronting Okeechobee Road, on the northern side, from West 16 Avenue to West 20 Avenue.”; allow a maximum area of 200 square feet where 120 feet are allowed contra to Hialeah Land Development Code § 74-149(g)(2)(b) that provides as follows: “LED signs. Types of signs. Pylon signs. *Maximum area.* The maximum sign area allowed, including the sign face and structure, is 120 square feet.”; allow a height of 36 feet with a 4 foot embellishment atop symbolizing a mast, where a maximum of 20 feet are allowed contra to Hialeah Land Development Code § 74-149(g)(2)(c) that provides: “*Maximum height.* The maximum height shall be 20 feet from the street grade to the top of the sign structure.”; and allow a 5 foot setback, where 20 feet is the maximum required for a pylon sign, contra to Hialeah Code of Ordinances § 74-218(1)(e) that provides: “(1) Monument and pylon signs. (e) Minimum setback. The minimum setback shall be ten feet from the right-of-way line and 20 feet from the side property line.” Property located at **8155 West 28 Street, Hialeah, Florida**, and legally described as follows:

A portion of Lot 5, Block 1, of “I-75 INDUSTRIAL CENTER SECTION ONE, according to the Plat thereof, as recorded in Plat Book 116, at Page 35, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Beginning 51 feet West of the Southeast corner of Lot 5; thence West 14 feet; thence North 294.89 feet; thence East 25.90 feet; thence South 294.56 feet to the Point of Beginning; AND all of Lots 1, 2, 3, 4, Block 1, “I-75 INDUSTRIAL CENTER SECTION ONE”, according to the Plat thereof, as recorded in Plat Book 116, at Page 35 of the Public Records of Miami-Dade County, Florida.

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 14 day of May, 2019.

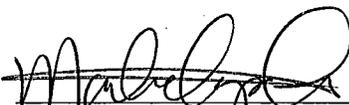
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



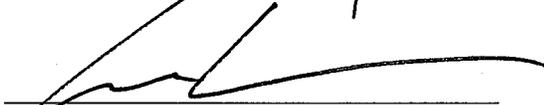
Vivian Casals-Munoz
Council President

Attest:

Approved on this 23 day of May, 2019.

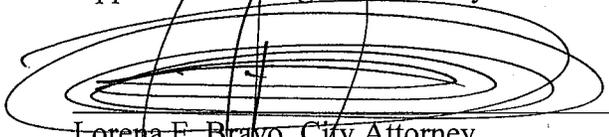


Marbelys Fatjo, City Clerk



Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Caragol voting "Yes" with Councilmembers Cue-Fuente and Hernandez absent.