

ORDINANCE NO. 2018-015

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW ONE LED PYLON SIGN ON PROPERTY LOCATED OUTSIDE THE PERMITTED GEOGRAPHIC AREA; HAVING A DISTANCE OF 235 FEET RADIUS FROM RESIDENTIAL-ZONED PROPERTIES, WHERE A 300 FOOT RADIUS IS REQUIRED; CONTRA TO HIALEAH LAND DEVELOPMENT CODE §§ 7-12(b) AND (e); PROPERTY ZONED C-3 (COMMERCIAL). **PROPERTY LOCATED AT 1650 WEST 68 STREET, 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 January 10, 2018 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 pylon sign on property located outside the LED geographic area, contra to Hialeah Code of Ordinances § 7-12(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.”; and allow a distance of 235 feet radius from residential-zoned properties, where a 300 foot radius is required contra to Hialeah Code of Ordinances § 7-12(e) that provides as follows: “*Distance from*

residential-zoned properties. An LED sign shall be placed at a distance no less than a 300-foot radius from the property lines of a residential-zoned property.” Property located at **1650 West 68 Street, Hialeah, Florida**, and legally described as follows:

The West 370 feet of the East 40 feet of Tract 17, less the south 175 feet of the North 260 feet of the West 200 feet of the East 235 feet, and the West 370 feet of the East 405 feet of the North 195 feet of Tract 18, less the East 35 feet of Tracts 17 and 18, and less the South 25 feet of the North 110 feet of the West 170 feet of the East 405 feet of said Tract 17, FLORIDA FRUIT LAND COMPANY’S SUBDIVISION OF SECTION 35, TOWNSHIP 52 South, Range 40 East, according to the plat thereof, recorded in Plat Book 2, Page 17 of the Public Records of Miami-Dade County, Florida.

N/K/A Parcel “A” FRYD TRACT, according to the Plat thereof as recorded in Plat Book 91, at Page 74, 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 13 day of February, 2018.

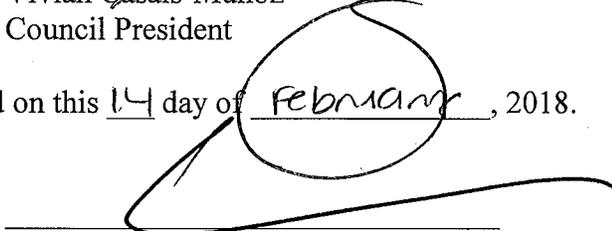
THE FOREGOING ORDINANCE
OF THE CITY OF WALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 168.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

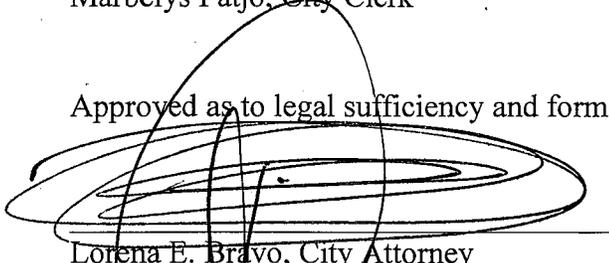
Attest:

Approved on this 14 day of February, 2018.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 4-3-0 vote with Councilmembers, Caragol, Zogby, Lozano and Hernandez voting "Yes" and Casals-Munoz, Cue-Fuente, Garcia-Martinez "No"