

ORDINANCE NO. 2017-034

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 MAXIMUM AREA OF 200 SQUARE FEET WHERE 120 FEET ARE ALLOWED; ALLOW A PROPOSED HEIGHT OF 36 FEET WHERE A MAXIMUM OF 20 FEET ARE ALLOWED; CONTRA TO HIALEAH CODE OF ORDINANCES §§ 7-12(b), 7-12(g)(2)(b) AND (c); PROPERTY ZONED C-3 (LIBERAL RETAIL COMMERCIAL). **PROPERTY LOCATED AT 1990 WEST 84TH 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 April 26, 2017, 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 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.”; allow a maximum area of 200 square feet where 120 feet are allowed contra to

Hialeah Code of Ordinances § 7-12(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.”; and allow a proposed height of 36 feet where a maximum of 20 feet are allowed contra to Hialeah Code of Ordinances § 7-12(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.” Property located at **1990 West 84th Street, Hialeah, Florida**, and legally described as follows:

The West 290 feet less the West 140 feet of the North 260 feet, less the North 110 feet of Tract 13 “CHAMBERS LAND COMPANY’S SUBDIVISION”, according to the Plat thereof, as recorded in Plat Book 2, at Page 68, 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.

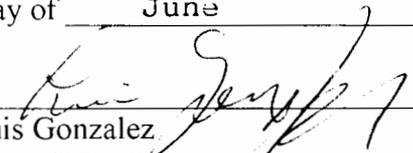
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining

phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

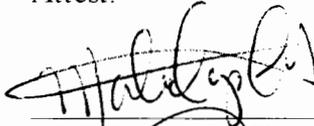
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

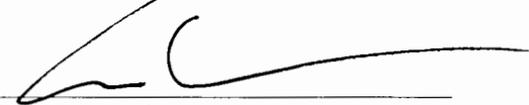
PASSED and ADOPTED this 13 day of June, 2017.
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.


Luis Gonzalez
Council President

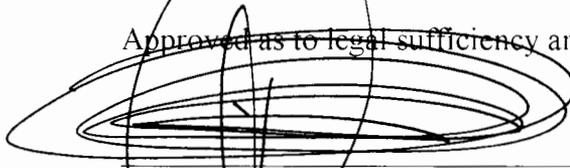
Attest:

Approved on this 14 day of June, 2017.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casals-Muñoz voting "Yes".