

ORDINANCE NO. 2016-63

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A LED READER BOARD WALL SIGN ON PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT) OUTSIDE THE GEOGRAPHIC AREA WHERE LED SIGNS ARE PERMITTED, HAVING A DISTANCE OF 200 FEET FROM RESIDENTIAL-ZONED PROPERTIES, WHERE A MINIMUM OF 300 FEET RADIUS IS REQUIRED, AND ALLOW A SIGN AREA OF APPROXIMATELY 21% OF THE FAÇADE WALL, WHERE A MAXIMUM OF 8% IS ALLOWED, CONTRA TO HIALEAH CODE §§ 74-149 (b), 74-215(a)(1), AND 74-149(e). **PROPERTY LOCATED AT 1000 HIALEAH DRIVE, 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 September 14, 2016, 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 a led reader board wall sign on property zoned M-1 (Industrial District) outside the geographic area where LED signs are permitted, having a distance of 200 feet from residential-zoned properties, where a minimum of 300 feet radius is required, and allow a sign area of approximately 21% of the façade wall, where a maximum of 8% is allowed, contra to Hialeah Code §§ 74-149 (b), 74-149(e), and 74-215(a)(1), which provide in pertinent part: “*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.”, “*Distance from residential-zoned properties.* A free-standing LED sign or LED wall sign shall be placed

at a distance no less than a 300-foot radius from the property lines of a residential-zoned property.”, and “*Wall signs*. Wall signs shall comply with the requirements set forth in subsection 74-217(2) except that the maximum sign area shall be eight percent of each building wall.” and, respectively. Property located at 1000 Hialeah Drive, Hialeah, Miami-Dade County, Florida, zoned M-1 (Industrial District), and legally described as follows:

THAT PORTION OF THE NORTH 335.00 FEET OF THE NORTHWEST 1/4, OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 53 SOUTH, RANGE 41 EAST, LYING WEST OF THE SEABOARD AIRLINE RAILWAY RIGHT-OF-WAY, LESS THE NORTH 35.0 FEET THERE FOR ROAD. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 188,920 SQUARE FEET OR 4.337 ACRES, MORE OR LESS.

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.

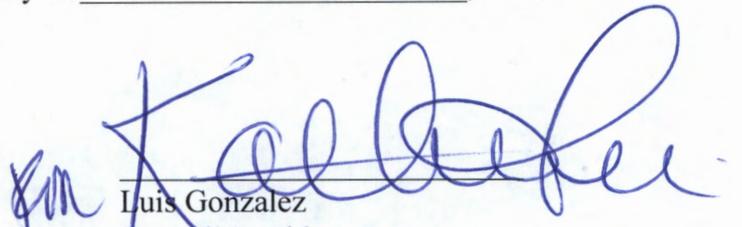
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 11 day of October, 2016.

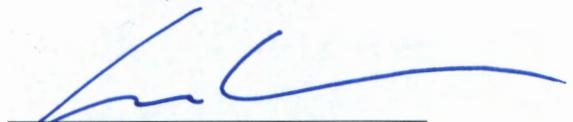
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Luis Gonzalez
Council President

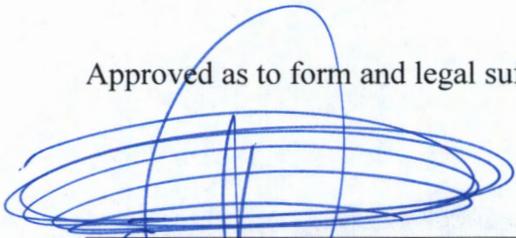
Attest:

Approved on this 18 day of October, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency: _____


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-1 vote with Council members, Caragol, Lozano, Cue-Fuente, Hernandez and Carlos Muñoz voting "Yes" Councilwoman Garcia-Morales voted "No" and Council President Gonzalez absent