

ORDINANCE NO. 2016-15

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A LED PYLON SIGN ON PROPERTY ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT) OUTSIDE THE GEOGRAPHIC AREA WHERE LED SIGNS ARE PERMITTED, WITH A SIGN HEIGHT OF 24.6 FEET, WHERE A MAXIMUM OF 20 FEET ARE ALLOWED, AND HAVING A DISTANCE OF 35 FEET FROM RESIDENTIAL-ZONED PROPERTIES, WHERE A MINIMUM OF 300 FEET RADIUS IS REQUIRED, PROVIDED THAT THE SECOND EXISTING POLE SIGN IS REMOVED PRIOR TO THE APPROVAL OF A SIGN PERMIT, CONTRA TO HIALEAH CODE §§ 74-149 (b), 74-149(g)(2)(c), AND 74-149(e). **PROPERTY LOCATED AT 500 WEST 29 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 January 27, 2016, recommended approval of this ordinance; and

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 pylon sign on property zoned C-2 (Liberal Retail Commercial District) outside the geographic area where LED signs are allowed, with a sign height of 24.6 feet, where a maximum of 20 feet is allowed, and having a distance of 35 feet from residential-zoned properties, where a minimum of 300 feet radius is required, provided that the second existing pole sign is removed prior to the approval of a sign permit, contra to Hialeah Code §§ 74-149 (b), 74-149(g)(2)c, and 74-149(e), 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.”, “*Maximum height*. The maximum height shall be 20 feet from the street grade to the top of the sign structure.”, and “*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.”, respectively. Property located at 500 West 29 Street, Hialeah, Miami-Dade County, Florida, zoned C-2 (Liberal Retail Commercial District), and legally described as follows:

LOT 8 THROUGH 15 INCLUSIVE, BLOCK 1 OF “WEST HIALEAH”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, AT PAGE 10 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: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a revocation of the city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the variances.

Section 6: Severability Clause.

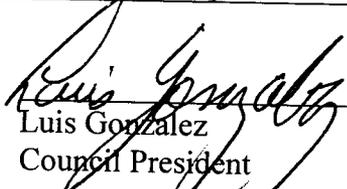
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 7: 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.

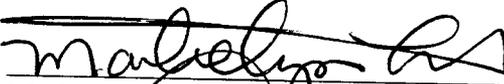
PASSED and ADOPTED this 23 day of February, 2016.

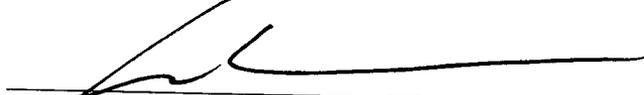
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.


Luis Gonzalez
Council President

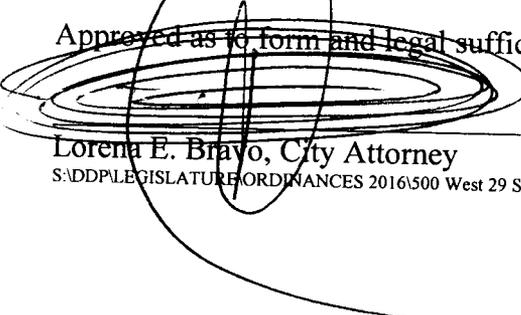
Attest:

Approved on this 2 day of March, 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 (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casals-Muñoz voting "Yes".