

ORDINANCE NO. 2013-42

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 74 ENTITLED "SIGNS" OF THE CODE OF ORDINANCES AND IN PARTICULAR, AMENDING ARTICLE I. ENTITLED "IN GENERAL", AMENDING SECTION 74-1 "DEFINITIONS" AMENDING THE DEFINITION OF BANNER SIGN TO INCLUDE FLAG, SAIL, TEARDROP, AND FEATHER BANNERS; AMENDING ARTICLE III. ENTITLED "REGULATIONS", DIVISION 1. "GENERALLY", SPECIFICALLY AMENDING SECTION 74-146 "PROHIBITED SIGNS AND SIGN DEVICES" TO EXEMPT CERTAIN BANNER SIGNS FROM PROHIBITED FLUTTERING, SPINNING OR OTHER SIMILAR DEVICES; AMENDING SECTION 74-148 "TEMPORARY SIGNS" RENAMING THE SECTION "SPECIFIC PURPOSE SIGNS" AND DELETING PROVISIONS FOR BANNER SIGNS THEREIN; AMENDING DIVISION 3. ENTITLED "DISTRICT REGULATIONS", SPECIFICALLY AMENDING SECTION 74-218 "SIGNS IN OTHER DISTRICTS" ADDING A NEW SUBSECTION (6) ENTITLED "BANNER SIGNS" AND PROVIDING NEW REGULATIONS FOR BANNER SIGNS INCLUDING DURATION OF DISPLAY, LOCATION, MAXIMUM HEIGHT, WIDTH, NUMBER, PERMIT APPLICATION, MAINTENANCE AND ENFORCEMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is to regulate the use, location, size and maintenance of traditional and new banner signs;

WHEREAS, these regulations advance the City's interest in providing for the orderly administration of its streets and public ways in as much as any signage may obstruct the public view; and

WHEREAS, by regulating the posting, display, erection, use and maintenance of signs, the regulations promote the aesthetics, safety, health and general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 74 entitled "Signs", of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 74

SIGNS

* * *

ARTICLE I. IN GENERAL

Sec. 74-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Banner sign means a sign having letters, characters or illustrations applied to cloth, plastics, paper or fabric of any kind with only such material for backing. This definition includes flag banners, sail banners, teardrop banners or feather banners.

* * *

ARTICLE III. REGULATIONS

* * *

DIVISION 1. GENERALLY

Sec. 74-146. – Prohibited signs and sign devices.

Prohibited signs and sign devices shall be as follows:

- (1) Abandoned signs.
- (2) Billboards/off-site signs.

- (3) Fluttering, spinning or other similar devices except banner signs as provided in Section 74-218 (6).

* * *

Sec. 74-148. – ~~Temporary signs~~ Specific purpose signs.

- (a) *Types of signs.* ~~Banner, r~~Real estate, construction, and political campaign signs are considered ~~temporary~~ specific purpose signs.
- (b) *Duration and removal.* ~~Temporary~~ sSigns shall be removed in accordance with the following:
- (1) *Within area and height limitations.* All ~~temporary~~ signs conforming to the area and height limitations must be removed or replaced within 90 days of the date of installation, except as provided in this chapter.
- (2) *Exceeding area and height limitations.* Any person who intends to install a ~~temporary~~ sign exceeding the area and height limitations set forth in this chapter, but in no event by more than 100 percent of such limitations, must apply for and obtain a ~~temporary~~ sign permit prior to installation. All ~~temporary~~ sign permit applications must be accompanied by a fee of \$10.00. Such applications shall not include the submission and review of site plans. A ~~temporary~~ sign requiring a ~~temporary sign~~ permit pursuant to this subsection shall be permitted for a time period not to exceed 45 days from the date the ~~temporary~~ sign is situated on the property. Removal is required if the sign has not been removed or replaced after 90 days, except as provided in this chapter.
- (3) *Bond required.* If a person installs or causes to install in excess of 50 ~~temporary~~ signs, such person shall post a bond in the principal sum of \$150.00 or the monetary amount of \$150.00 as security for the recovery of expenses in connection with the city removing noncompliant signs. The bond or acceptance of monetary funds as security agreement shall contain language that authorizes the city to

use all or any part of the principal of the bond or money retained to cover its expenses in removing the signs after notice to remove the signs has been provided and the signs have not been removed prior to time period provided in the notice or as provided in this chapter. The forfeiture of the bond or the withdrawal of the monetary funds retained as security does not prevent the city from collecting additional funds through citation or notice of violation to recover costs or penalties in connection with the maintenance and removal of unlawful temporary signs.

- (c) *Restrictions.* Restrictions on ~~temporary~~ specific purpose signs shall be as follows:

	Residential District	Nonresidential District
(1) <i>Real estate signs:</i>		
Number (maximum)	1 per lot or 1 per frontage on each right-of-way	1 per lot or 1 per frontage on each right-of-way
Area (maximum)	4 square feet*	8 square feet*
Height (maximum)	2 feet (sign face)*	2 feet*
Riders	2 per lot, each not to exceed 6 inches in height and 2 feet in length	
(2) <i>Construction signs:</i>		
Number	1 per lot or 1 per frontage on each	1 per lot or 1 per frontage on each

(maximum)	right-of-way	right-of-way
Area (maximum)	4 square feet	8 square feet*
Height (maximum)	2 feet (sign face)	2 feet*
<i>(3) Political campaign signs:</i>		
Number (maximum)	1 per lot or 1 per frontage on each right-of-way for each candidate	1 per lot or 1 per frontage on each right-of-way for each candidate
Area (maximum)	8 square feet	8 square feet*
Height (maximum)	2 feet	2 feet*
Time limit	Political signs are subject to subsection (b) of this section; provided, however, that regardless of the date of installation, signs must be removed within 30 days after one of the following events: withdrawal date of candidacy, elimination date of candidacy or date of election to office	
	Bond requirement; exemption: Candidates for public office who are exempt from payment of the election assessment pursuant to F.S. § 99.093(2) shall also be exempt from bond requirements.	
	Violations; persons responsible: The city shall treat political candidates as primarily responsible for unlawful signs referenced in <u>section 74-181(e)</u> . The city shall proceed administratively or in court against the political candidate or other legal entity that installs or maintains or causes an unlawful sign to be	

	maintained or installed prior to proceeding against the property owner.	
*Maximum area of <u>32</u> square feet and maximum height of eight feet for real estate signs and political campaign signs on undeveloped lots exceeding one acre in size, excluding outparcels.		
<i>(4) Banner signs:</i>		
Purpose	Not permitted	Special events or grand openings
Area (maximum)		<u>32</u> square feet
Sign height (maximum)		20 feet
Sign height (minimum)		8 feet
Time limit		Total of 90 days in the aggregate for each calendar year
<i>(5 4) Garage or yard sale signs:</i>		
Number (maximum)	1 per lot or 1 per frontage on each right-of-way	Not permitted
Area (maximum)	4 square feet	

Height (maximum)	2 feet (sign face)	
Time limit	Two weekends during calendar year	

- (6) *Setbacks; corner visibility.* All temporary signs, higher than three feet in height, shall not be located within a 25-foot triangle at the intersection of two streets measured along the property line.
- (7) *Building code compliance.* A building permit is required to the extent a temporary sign is constructed with a structure which requires a building permit under the South Florida Building Code.

* * *

DIVISION 3. - DISTRICT REGULATIONS

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Sec. 74-218. – Signs in other districts.

* * *

The following signs are permitted in all zoning districts or uses not specified in other sections of this article.

* * *

(6) Banner signs.

- a. Banner signs are allowed only when associated with a promotional or special event conducted entirely on the premises of the event where the signs will be located and where no portion of the sign is dedicated to the advertisement of off-site events, promotions or activities. Banner signs are allowed in all zoning districts, including R-O residential-

office district, except residential districts. Banner signs are not intended to be used as primary or permanent signage.

b. Duration. Banner signs may be displayed on the premises within a total period of time of 90 consecutive days. In any calendar year, an applicant may apply for an additional display period of another 90 days so long as there is a lapse of 90 days between display periods. Display periods are 90 consecutive days. Display periods cannot be consecutive even if applied for during different calendar years.

c. Location, Maximum Height, Width and Number.

(i) Wall banner signs. Wall banner signs must be affixed to the facade of a building. The total sign area of any banner sign to be attached to a building's façade shall not exceed 32 square feet. The banner sign must be firmly affixed to the façade by all four corners such that the sign does not sag, droop, fall or collapse. Banner signs may not be affixed to fences, bollards, trees or shrubs, walls, poles, columns, roof tops, eaves or any part of the roof structure, canopies, awnings or any other building surface other than the wall of the façade.

(ii) Flag, Sail, Teardrop, Feather banner signs or other similar freestanding banner signs. The size of each sign shall not exceed 2 feet in width at the sign's full extension. The maximum height of the sign is 12 feet as measured from the ground to the top of the sign when installed. Signs shall be installed on the landscape buffer along the front property line, entirely within private property excluding the swale area. No portion of the sign or support structure shall be located or encroach into or over the rights-of-way. Signs shall be installed as follows:

(1) no less than 30 feet from one another;

(2) no less than 15 feet from the side property lines; and

(3) out of the sight-triangle, clear vision or sight distance areas at intersections of public streets or public streets and private driveways.

Signs shall be firmly affixed to the ground and supported firmly solely by the sign's support structure, as designed by the sign's manufacturer, such that it does not fall, fold, sag, bend or collapse. Signs shall not be attached to walls, pylon, monument or other type of signs, columns, roof tops, eaves or any part of the roof structure, canopies, awnings or any other portion of a building.

- d. Application. An application for the placement of any banner sign must be made with the written approval of the property owner on forms provided by the City. No off-site advertisement is allowed. The property owner shall acknowledge that any violation of these provisions can be enforced against the property owner in addition to the applicant. As part of the application, a sketch of the proposed location must be submitted for review by the Planning and Zoning Division together with a fee of \$50.00 per sign. Any additional display period allowed as provided herein shall also require a fee of \$50.00 per sign. The city shall issue a decal for all approved banner signs which shall be visibly displayed on the face of the sign, if a wall banner sign, or on the supporting structure on a three-foot clearance from the ground on a freestanding banner sign.
- f. Maintenance. All banner signs and any supporting structure or hardware must be made of durable material capable of withstanding the outdoor elements for the period of time allowed to be displayed. Banner signs shall not contain any tears, tattered edges, stains or other signs of wear. Any banner sign that is broken, damaged or in poor condition will be deemed an abandoned sign and must be removed within 24 hours notice by the City. All banner signs must be

removed and safely stored indoors whenever the public is instructed by a government authority that weather conditions require the storage of any loose items or materials as a result of an impending storm or other weather system.

- g. Enforcement. All banner signs must be removed immediately on the expiration of a display period. Failure to comply with any requirement as provided herein shall be enforced pursuant to Chapter 22 and Chapter 78 herein and any other remedy available pursuant to City Code.

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: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: 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 6: 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.

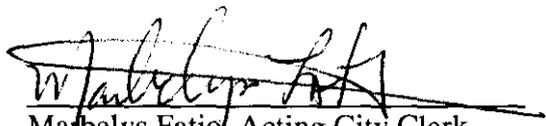
PASSED AND ADOPTED this 25 day of June, 2013.



Isis Garcia-Martinez
Council President

Attest:

Approved on this 28 day of June, 2013.

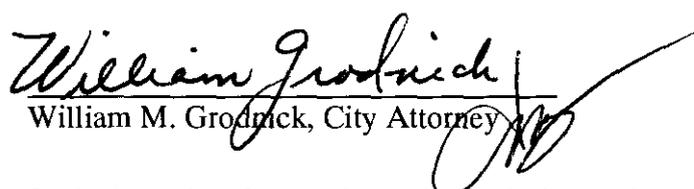


Marbelys Fatjo, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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

Permit Application

- Must be made by business owner with written approval of property owner
- Sketch of proposed location must be submitted for review by the Planning and Zoning Division
- City will issue a color decal that will identify the display period. Additional display period requires a new decal.
- Permit Fee: \$100 per sign



Enforcement

- City issued decal shall be visibly displayed on the face of the sign or supporting structure
- The sign must be removed immediately on the expiration of a display period



City of Hialeah
Planning & Zoning Division
501 Palm Avenue, 2nd Floor
Hialeah, Florida 33010
Phone: 305-883-8075

www.hialeahfl.gov

Banner Signs Regulations

Regulations Highlights

For complete regulations please refer to
City of Hialeah Code of Ordinances
Section 74-218 (6)



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With Item #

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Allowed in all zoning districts except residential districts

- Banner signs are allowed only when associated with a promotional or special event conducted entirely on the premises of the event where the signs will be located



- No portion of the sign is to be dedicated to the advertisement of off-site events, promotions or activities
- May be displayed for 90 consecutive days
- Additional display period of 90 days allowed, as long as there is a lapse of 90 days between display periods

Banner signs are not intended to be used as primary or permanent signs

Location, Maximum Height, Width and Number

Wall Banner Signs

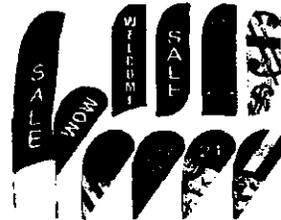
- Must be firmly affixed to the façade of a building by all four corners such that the sign does not sag, droop, fall or collapse



- Maximum area: 32 square feet

Flag, Sail, Teardrop, Feather banner signs or other similar freestanding banner signs

- Shall be installed on private property
- Shall not encroach into right-of-way
- No less than 30 feet between flags
- No less than 15 feet from side property lines



- Out of the sight triangle, clear vision or sight distance areas at intersections of public streets and private driveways

- Maximum width: 2 feet
- Maximum height: 12 feet measured from the ground to the top of the sign when installed

Maintenance

- All banner signs and any supporting structure or hardware must be made of durable material capable of withstanding the outdoor elements for the period of time allowed to be displayed
- Shall not contain any tears, tattered edges, stains or other signs of wear
- When broken, damaged or in poor condition must be removed within 24 hours notice from the City

Permiso

- El permiso debe ser obtenida por el dueño del negocio con la conformidad, por escrito, del dueño de la propiedad
- Un esquema de la propuesta de ubicación debe ser presentada a la División de Planeamiento y Zonificación
- La Ciudad otorgará una calcomanía de color que identificará el periodo de exhibición autorizado. Periodos adicionales requieren una nueva calcomanía
- Costo del Permiso: \$ 100 por bandera



Cumplimiento de la Ley

- La calcomanía otorgada por la Ciudad de Hialeah debe ser exhibida en un lugar visible de la bandera o en la estructura de soporte
- La bandera debe ser quitada inmediatamente en la fecha de expiración del periodo de exhibición



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Regulaciones para Banderas de Publicidad Síntesis de las Regulaciones

Para la información completa de la ley por favor referirse a
City of Hialeah Code of Ordinances
Section 74-218 (G)



Permitidos en todos los distritos de zonificación excepto en distritos residenciales

- Las banderas de publicidad están permitidas solamente cuando estén asociadas con un evento especial o de promoción a ser llevado a cabo en el sitio donde las banderas estén exhibidas



- Ninguna sección de la bandera puede ser utilizada para publicidad de eventos, promociones o actividades que ocurran en otro sitio

- Pueden ser exhibidas por 90 días consecutivos

- Se permite un período adicional de exhibición de 90 días, siempre y cuando haya un lapso de 90 días entre períodos de exhibición

No es la intención que las banderas de publicidad sean utilizadas como publicidad principal o permanente

Ubicación, Altura Máxima, Ancho y Cantidad

Banderines publicitarios de Pared

- Deben estar firmemente sujetos a la fachada del edificio en los cuatro extremos, de manera tal que la bandera no cuelgue, esté arrugada o fuera de lugar



- Superficie máxima: 32 pies cuadrados

Banderines publicitarios tipo Bandera, Vela, Lágrima o carteles autoportantes similares

- Deben ser instalados en propiedad privada
- No pueden proyectarse hacia la vía pública
- Distancia entre banderas: 30 pies
- Distancia a las líneas de propiedad laterales: 15 pies



- Deben estar fuera del triángulo de visión o áreas de visualización en la intersección de calles o accesos vehiculares privados
- Ancho máximo: 2 pies
- Altura máxima: 12 pies medidos desde el nivel del suelo hasta la parte más alta del banderín instalado

Mantenimiento

- Todos los banderines y banderas y su estructura de soporte deben estar confeccionados con materiales durables y resistentes a la intemperie
- No deben presentar cortes, bordes desprolijos, manchas, deterioro o cualquier otro señal de deterioro
- Cuando se encuentran dañados deben ser retirados dentro de las 24 horas de recibir un aviso de la Ciudad de Hialeah

Permit Application

- Must be made by business owner with written approval of property owner
- Sketch of proposed location must be submitted for review by the Planning and Zoning Division
- City will issue a color decal that will identify the display period. Additional display period requires a new decal.
- Permit Fee: \$100 per sign



Enforcement

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With Item # 7

JUN 11 2013

Permiso

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- Un esquema de la propuesta de ubicación debe ser presentada a la División de Planeamiento y Zonificación
- La Ciudad otorgará una calcomanía de color que identificará el período de exhibición autorizado. Períodos adicionales requieren una nueva calcomanía
- Costo del Permiso: \$ 100 por bandera



Cumplimiento de la Ley

- La calcomanía otorgada por la Ciudad de Hialeah debe ser exhibida en un lugar visible de la bandera o en la estructura de soporte
- La bandera debe ser quitada inmediatamente en la fecha de expiración del período de exhibición



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Section 74-218 (6)



With Item # 7

JUN 11 2013

ITEM # 7

JUN 25 2013

CITY OF HIALEAH
CITY ATTORNEY'S OFFICE
MEMORANDUM

DATE: June 7, 2013
TO: Mayor Carlos Hernandez and
Hialeah City Council Members
FROM: William M. Grodnick, City Attorney *Wmg*
Lorena E. Bravo, Assistant City Attorney *LB*
RE: Regulation for the temporary placement of banner signs

Attached for your consideration is a proposed ordinance implementing regulations for the temporary placement of banner signs as promotional secondary signage.

Some of the features of the proposal include:

- Updating the definition of a banner sign to include changes from the traditional use and display of banners for signage to specifically include new designs such as flag banners, sail banners, teardrop and feather banners.
- The proposed changes to existing code provisions are intended to accommodate these new types of banner signs.
- Create new regulations establishing the display time, size, location, and number requirements for traditional banner signs and the new freestanding banner signs.
- Create an application, fee and inspection/enforcement mechanism through the use of a decal system for easy monitoring.