ORDINANCE NO. 2013- 54

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REVISING THE FINAL HIALEAH, FLA., LAND DEVELOPMENT CODE TO REFLECT PERTINENT CHANGES TO THE HIALEAH CODE AND RELEVANT CHANGES IN STATE LAW ENACTED SINCE THE DATE OF THE LAST REVISION, INCLUDING, BUT NOT LIMITED TO, AMENDING LAND DEVELOPMENT REGULATION NO. 7 ENTITLED "SIGN REGULATION" AND LAND DEVELOPMENT REGULATION NO. 10. SUBDIVISION OF LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE HIALEAH, FLA., LAND DEVELOPMENT CODE AND THE HIALEAH CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 14, 2013 recommended approval of this ordinance; and

WHEREAS, the purpose and intent of this ordinance is to revise the Hialeah, Fla., Land Development Code to reflect changes in the planning regulations and policies, Hialeah Code and Florida law enacted since the last revision pursuant to Hialeah, Fla., Ordinance 12-45 (Sept. 2, 2012); and

WHEREAS, the incorporation of these changes are required so that provisions of the Hialeah, Fla. Land Development Code correspond to the existing Hialeah Code provisions to provide a uniform set of land development regulations.

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

Section 1: The Hialeah, Fla., Land Development Code as incorporated in the Code of Ordinances of the City of Hialeah, Florida is hereby revised and amended to read as follows:

PART III

LAND DEVELOPMENT CODE

* * *

REGULATION NO. 7 SIGN REGULATION

* * *

Sec. 7-2. – 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:

* * *

(e) *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.

* * *

Sec. 7-3. – Prohibited signs and sign devices.

Prohibited signs and sign devices shall be as follows:

(a) Abandoned signs.

(b) Billboards/off-site signs.

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

* * *

Sec. 7-7. – ~~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.*

(1) ~~Temporary~~ *Specific purpose* signs exceeding *area and height limitations.* All ~~temporary~~ such 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) ~~*Temporary*~~ *Specific purpose signs 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~~ specific purpose 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) *Real estate signs:*		
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) *Construction signs:*		
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

*Maximum area of 32 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.
Time limit for sign removal: political signs are subject to the provisions of section 7-7(b) hereof; 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 a primarily responsible

for unlawful sings referenced in section 7-18(e). 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.		
~~(4) *Banner signs:*~~		
~~Purpose~~	~~Not permitted~~	~~Special events or grand openings~~
~~Area (maximum)~~		~~32 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~~
(~~5~~ 4) *Garage or yard sale signs:*		
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~~d) *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~~e) *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.

* * *

Sec. 7-17. – Signs in other districts.

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

* * *

(f) *Banner signs.*

(1) 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.

(2) *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.

(3) *Location, Maximum Height, Width and Number.*

a. *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, eves or any part of the roof structure, canopies, awnings or any other building surface other than the wall of the façade.

b. *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:

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

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

(iii) 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, eves or any part of the roof structure, canopies, awnings or any other portion of a building.

(4) *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.

(5) *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.

(6) *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.

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REGULATION NO. 10. SUBDIVISION OF LAND

* * *

(1) *Current inventory of sites designated by the Hialeah Historic Preservation Board.*

Date of Designation	*Description of Site*	*Location*
*	*	*
2009	Iglesia Universal del Reino de Dios	500 Palm Avenue
2009	New Bethel AME Church	2275 West 5 Way
~~2010~~	~~Milander Park Sign~~	~~4800 Palm Avenue~~
2012	John F. Kennedy Library	190 West 49 Street

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 Hialeah, Fla., Land Development Code and Hialeah Code.

The provisions of this ordinance shall be included and incorporated in the Hialeah, Fla., Land Development Code and 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 Hialeah, Fla., Land Development Code and the Hialeah 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 when 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 10 day of September, 2013.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 13 day of September, 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.

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