ORDINANCE NO. 07-014

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 74 ENTITLED "SIGNS", ARTICLE I. IN GENERAL, DIVISION 3. DISTRICT REGULATIONS, OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION, HIALEAH CODE § 74-217 ENTITLED "SIGNS IN NBD NEIGHBORHOOD BUSINESS DISTRICT" TO PROVIDE SIGN REGULATIONS FOR THE NBD NEIGHBORHOOD BUSINESS DISTRICT; 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 Planning and Zoning Board at its meeting of January 10, 2007 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is for the health, safety, welfare, aesthetics, order, and proper regulation and administration of the City of Hialeah and its residents; and

WHEREAS, the specific purpose and intent of this ordinance is to provide sign regulations for the NBD Neighborhood Business District.

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", Article I., In General, Division 3. District Regulations, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by adding a new section, Hialeah Code § 74-217 entitled "Signs in NBD Neighborhood Business District", to read as follows:

Chapter 74

SIGNS

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ARTICLE I. IN GENERAL.

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DIVISION 3. DISTRICT REGULATIONS

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Sec. 74-216. Signs along the Palm Avenue Commercial Corridor, East 4th Avenue, 9th Street and CR-zoned and CBD-zoned properties outside the HDUC District.

(a) *Permitted signs.* On properties situated along the Palm Avenue Commercial Corridor (Palm Avenue, from Okeechobee Road to 21 Street), East 4th Avenue (from Okeechobee Road to 21 Street), 9th Street within the HDUC district and on CR-zoned and CBD-zoned properties located outside the HDUC district, wall, monument, awning, window and door signs are allowed subject to the following regulations:

(1) *Wall signs.* Channel letter wall signs, projecting signs, marquee signs, box wall signs, and wall-mounted three-dimensional lettering shall comply with the requirements set forth in subsection 74-217(2) except as follows:

a. *Maximum number.* Only one sign of each type of permitted wall, window, door or awning sign, with a total number not to exceed three for each street façade or frontage for each business location. The aggregate sign area of the faces of the wall signs, when added together, shall not exceed the maximum sign area permitted.

b. *Maximum area.* There shall be permitted ten percent of each building wall as sign area. The wall area shall be calculated as a vertical plane. Display and service windows, entrances and stairways shall be calculated as part of the wall area. A cantilever projecting sign, mounted perpendicular to the building façade, with a head clearance of a minimum of 7½ feet in height, shall not exceed a maximum area of 24 square feet. A cantilever sign shall extend no more than four feet over the sidewalk.

(2) Window and door signs and displays. Same regulations as the HDUC district.

(3) Awning signs. Same regulations as the HDUC district.

(4) Monument signs. Monument signs shall comply with the requirements set forth in subsection 74-217(2), except that the minimum setback shall be five feet from the right-of-way and the side property line, that the maximum height shall be four feet from the street grade to the top of the sign structure, and that only one sign shall be allowed for each property.

(5) Illumination. Same regulations as the HDUC district.

(6) Safety regulations. Same regulations as the HDUC district.

Sec. 74-217. Signs in NBD Neighborhood Business District.

Sign regulations in the NBD Neighborhood Business District shall be the same as the sign regulations along the Palm Avenue Commercial Corridor (Palm Avenue, from Okeechobee Road to 21 Street), 9th Street within the HDUC district and on CR-zoned and CBD-zoned properties located outside the HDUC Districts, except that no variances shall be granted to allow pylon signs and that all existing pole or pylon signs on the property of a proposed development shall be removed and shall not be incorporated in the signage for the new development.

Sec. 74-217~~8~~. Signs in other districts.

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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 convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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 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 13th day of February, 2007.

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

Esteban Bovo
Council President

Attest:

Approved on this 15 day of February, 2007.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

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 5-1-0 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Hernandez, and Yedra voting "Yes", Councilmember Miel voting "No" and Councilmember Gonzalez absent.