ORDINANCE NO. 2014-31

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 74 ENTITLED "SIGNS", ARTICLE I. IN GENERAL, OF THE CODE OF ORDINANCES AMENDING THE DEFINITION OF WINDOW SIGNS AND AMENDING ARTICLE III. REGULATIONS, DIVISION 1. GENERALLY, CODE § 74-149 ENTITLED "LED SIGNS" TO PROVIDE REGULATIONS FOR LED WINDOW SIGNS WITHIN THE CITY; 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 May 14, 2014 recommended approval of this ordinance; and

WHEREAS, the purpose and intent of this ordinance is to promote and protect the health, safety, and welfare of the residents of the City of Hialeah by regulating existing and proposed signs within the City;

WHEREAS, this ordinance is intended to improve the aesthetic character of the City by ensuring that signs are compatible with their surroundings and in harmony with all other permissible signs across the City; and

WHEREAS, the ordinance further intends to protect property values, create a better business climate, enhance the physical appearance of the community, and reduce visual pollution.

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, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 74-1 entitled "Definitions", to read as follows:

Chapter 74

SIGNS

* * *

ARTICLE 1. IN GENERAL

Sec. 74-1. Definitions.

The following words, forms 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:

* * *

Wall sign means a sign which is affixed to or painted on and lying flat against an exterior wall, fascia, cantilever or marquee of any building that is parallel thereto and supported by such wall, fascia, cantilever, marquee or building. No wall sign shall project higher than the top of the wall, fascia or building, and no sign shall be attached to a decorative architectural feature.

Window sign means any sign or graphics displayed in, painted on or attached to a storefront window or door.

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Section 2: Chapter 74 entitled "Signs", Article III. Regulations, Division 1. Generally, § 74-149 of the Code of Ordinances of the City of Hialeah, Florida is hereby amended to read as follows:

Chapter 74

SIGNS

* * *

ARTICLE II. REGULATIONS

DIVISION 1. GENERALLY

* * *

Sec. 74-149. LED signs.

(a) *Purpose.* The purpose of LED regulations as set forth herein is to provide an alternative to traditional signage that will contribute to more efficient energy use and to reduce visual sign clutter and the number of free-standing signs. The use of LED signs will allow a property or business owner to consolidate advertising using a single sign. A freestanding LED sign and LED wall sign shall be available to serve all uses, occupancies or tenants on the same property to reduce ~~instead of~~ relying on multiple signs, banners or flags on the property or premises. Likewise, the advantages of LED technology can allow each individual use, occupancy or tenant in the same property to meet its advertising needs more efficiently, effectively and neatly by consolidating advertising in a single indoor window sign while at the same time reducing visual clutter.

(b) *Geographic area.* ~~The LED regulations~~ Freestanding LED signs and LED wall signs, as permitted by this section, 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. LED window signs, as permitted by this section, shall not be restricted to any geographic area.

(c) *Permitted signs.* LED signs, in general, shall ~~O~~only be allowed on property zoned industrial or on property zoned commercial.~~, an LED sign is allowed on a~~ Free-standing LED signs or LED wall signs, as provided for in this section, shall only be allowed on property having a frontage of at least 100 feet on a public right-of-way~~,~~ ~~subject to the regulations set forth in this section~~. ~~Only~~ LED signs shall only ~~advertising~~ advertise the business located on the property where the sign is located ~~shall be~~

~~permitted~~. Third-party advertising is prohibited for any LED sign permitted under this section.

(d) *Maximum number.*

(1) Only one free-standing LED sign or one LED wall sign is allowed for each property. If a free-standing LED sign is located on a property, all existing pole, pylon or monument signs on the same property shall be removed before installing a proposed free-standing LED sign. If a free-standing LED sign exists on a property, no pole, pylon or monument signs shall be installed on the same property in the future. If an LED wall sign is located on a property, it is not required to remove all existing pole, pylon or monument signs on the same property.

(2) Only one indoor LED window sign is allowed for each storefront. Unless provided for in this section, no other LED sign shall be allowed.

(e) *Distance from residential-zoned properties.* ~~An~~A freestanding 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. LED window signs, as permitted by this section, shall not be subject to any distance requirements from residential districts.

(f) *Hours of operation.* The maximum hours of operation ~~of an~~ for all LED signs shall be limited from 6:00 a.m. to 12:00 a.m. (midnight).

(g) *Types of signs.*

(1) Monument signs.

a. LED displays allowed. Full color, single color and grayscale LED displays are permitted. One LED display is allowed within the sign.

b. Maximum area. The total maximum sign area, including the sign face and structure, is 48 square feet.

c. Maximum height. The maximum height shall be six feet from the street grade to the top of the sign structure except for curved designs where the top of the arch shall extend to 7.5 feet in height; provided that the extended height satisfies line-of-sight requirements.

(2) Pylon signs.

a. LED displays allowed. Single color and grayscale LED displays are permitted for new pylon signs or existing pylon signs that conform to current sign regulations. LED displays on existing pylon signs may only be approved by a variance if the existing sign is a legal nonconforming sign or a legal nonconforming pole sign that is converted to a pylon sign; provided, however, that sign structure is screened with decorative aluminum or natural materials such as granite and includes enhanced landscaping. If a legal nonconforming pylon sign or legal nonconforming pole sign is replaced by a monument sign or wall sign on a property with a frontage of more than 50 feet and otherwise complies with the requirements of this section, then the LED monument sign shall be allowed without a required variance.

b. Maximum area. The maximum sign area allowed, including the sign face and structure, is 120 square feet.

c. Maximum height. The maximum height shall be 20 feet from the street grade to the top of the sign structure. The height of the LED display itself shall not exceed 15 feet.

(3) Wall signs.

a. LED displays allowed. Single color and grayscale LED displays are permitted for new wall signs or existing pylon signs that conform to current sign regulations. LED displays on existing wall signs may only be approved by a variance if the existing sign is a legal nonconforming sign.

b. Maximum area. The maximum sign area allowed is the same as wall signs in the HDUC zoning district.

c. Maximum height. The maximum height is the same as wall signs in the HDUC zoning district.

(4) Window signs.

a. LED displays allowed. Full color, single color or greyscale LED displays are permitted for all LED window signs.

b. Maximum area. The maximum size of the sign allowed is 860 square inches. Notwithstanding the maximum size allowed, the width of the entire sign shall not exceed 42 inches.

c. Location. All LED window signs shall be installed in a window in the interior of the store only. The sign shall be horizontally centered.

d. Clearance required. There shall be clearance around the perimeter of the sign and between the LED window sign and other window signs. The clearance area above and below the sign shall have a height equivalent to the height of the sign. This area shall run continuously along the entire top and bottom edges of the sign. This area shall remain free and clear of any other signs or visual obstruction. No top clearance area is required if the sign is placed level with the top edge of the window. No bottom clearance is required if the sign is placed level with the bottom edge of the window. All of the existing window surface area from the side edges of the sign to the side limits of the window on which the sign is installed shall remain free and clear of any other signs or visual obstruction.

(h) *Illumination, technical and operational requirements.*

(1) All LED displays shall automatically adjust its intensity of illumination based on the natural light conditions occurring at the time of adjustment.

(2) All LED displays shall contain a default mechanism that freezes the image in one position in the event of a malfunction. The sign owner or operator shall respond to a malfunction within one hour of city notification of the malfunction.

(3) Change of messages shall occur simultaneously on the entire sign face without any animation or effects occurring during the transition. Each message shall be static and displayed for a duration of no less than eight seconds in time. ~~and any~~ Any change of message must ~~be~~ occur within two seconds in time.

(i) *Issuance of permits.*

(1) Building and electrical permits are required for all LED signs, as permitted by this section, except indoor LED window signs. Indoor LED window signs shall comply with all other application and permitting requirements provided for by this chapter. Any LED sign facing a state road shall comply with state department of transportation sign regulations and requirements. The contractor or property owner shall provide written consent from the state department of transportation for the installation of the sign prior to the city issuing its permits for the sign.

(2) Prior to the issuance of permits for a sign, the sign contractor or property owner shall submit to the city data relating to glare and brightness of the LED display, measured in nits, that is usually is provided by the manufacturer.

(j) No artifice or scheme shall be used to circumvent or evade the provisions of this section regulating the number, size, type or location of the LED sign permitted.

(k) The approval of any LED sign permit application shall be contingent upon compliance with all applicable

sign regulations as provided for in this chapter for all signs on the applicant's premises.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: 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 5: 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 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 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 June, 2014.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 11 day of June, 2014.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, Acting City Attorney

Ordinance was adopted by a (6-1-0) vote with Council Members, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Hernandez and Lozano voting "Yes"& Council Vice President Gonzalez voting "No".

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

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