

ORDINANCE NO. 2021-116

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL GRANTING A VARIANCE PERMIT TO ALLOW AN LED WALL SIGN WITH A SINGLE FIXED IMAGE, OUTSIDE THE GEOGRAPHIC AREA, WHERE LED SIGNS ARE NOT ALLOWED; CONTRA TO HIALEAH CODE OF ORDINANCES § 7-12(b). **PROPERTY LOCATED AT 383 WEST 36 TERRACE, HIALEAH, ZONED RO (RESIDENTIAL OFFICE).** 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 September 8, 2021, recommended approval of this ordinance; and

WHEREAS, the LED sign shall not exceed 25.59 square feet and shall only display a single fixed image, i.e., no image changing and controlled brightness.

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 an LED wall sign with a single fixed image, outside the geographic area, where LED signs are not allowed on property located outside the LED geographic area, contra to Hialeah Code of Ordinances § 7-12(b) that provides as follows: “LED signs. *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.”; provided the LED sign shall not exceed 25.59 square feet and shall only display a single fixed image, i.e., no image changing and controlled brightness. Property located at 383 West 36 Street, Hialeah, zoned RO (Residential Office) and legally described as follows:

Lot 17, Block 2, of CAROLE ANNE PARK, according to the Plat thereof, as recorded in Plat Book 51, Page 101, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

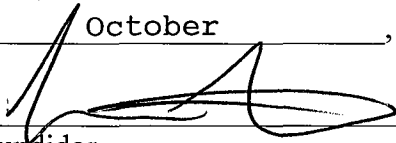
Section 4: Severability Clause.

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 5: 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 12 day of October, 2021.



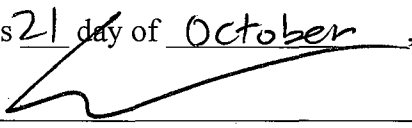
Jesus Tundidor
Council President

Attest:



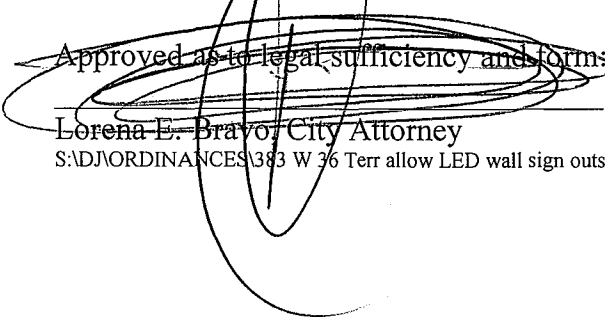
Marbelys Fatjo, City Clerk

Approved on this 21 day of October, 2021.



Mayor Carlos Hernandez

~~Approved as to legal sufficiency and form:~~



Lorena E. Brayer, City Attorney
SADJORDINANCES 383 W 36 Terr allow LED wall sign outsid

Ordinance was adopted by 4-0-3 vote with Councilmembers, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.