

**ORDINANCE NO. 2022-114**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A VARIANCE PERMIT TO ALLOW AN LED PYLON SIGN OUTSIDE OF THE GEOGRAPHIC AREA WHERE LED SIGNS ARE ALLOWED; AND ALLOW A DISTANCE OF 60 FEET FROM RESIDENTIAL PROPERTIES, WHERE LED SIGNS SHALL BE PLACED AT DISTANCE OF NO LESS THAN A 300-FOOT RADIUS FROM RESIDENTIAL PROPERTIES. CONTRA TO HIALEAH CODE OF ORDINANCES §§ 74-149(b) AND 74-149(e). **PROPERTY LOCATED AT 2590 WEST 76 STREET, HIALEAH, ZONED R-1 (ONE-FAMILY DISTRICT).** 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 October 26, 2022, recommended approval of this ordinance; and

**WHEREAS**, the applicant has proffered to reduce the brightness of the illumination from the LED sign to 700 nits between the hours of 10:00 p.m. and 6:30 a.m. and incorporate an ambient light sensor on the sign which automatically adjusts the brightness of the illumination throughout the day and night.

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 pylon sign outside of the geographic area where led signs are allowed, contra to Hialeah Code of Ordinances §74-149(b) that provides: “*Geographic area.* 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.”; and allow a distance of 60 feet from residential properties, where led signs shall be placed at distance of no less than a 300-foot radius from residential properties, contra to Hialeah Code of Ordinances § 74-149(e) that provides: “*Distance from residential-zoned properties.* A free-standing 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.”. Property located at 2590 West 76 Street, Hialeah, zoned R-1(One-Family District), and legally described as follows:

Tracts 33 and 34, in Section 27, Township 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, 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.

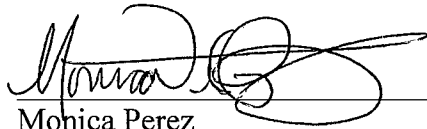
**Section 4: Severability Clause.**

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.

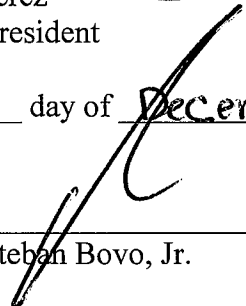
PASSED and ADOPTED this 13 day of December, 2022.

  
\_\_\_\_\_  
Monica Perez  
Council President

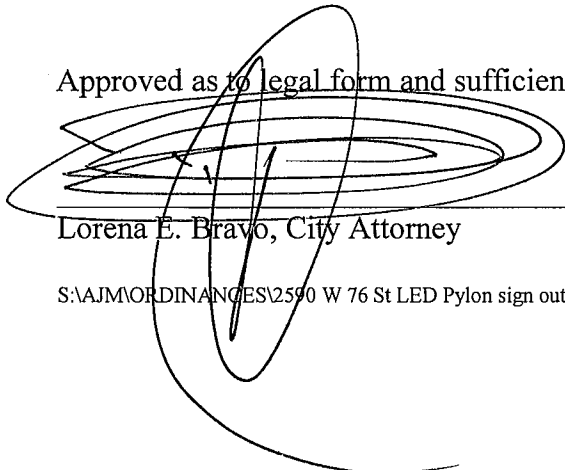
Attest:

Approved on this 19 day of December, 2022.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Esteban Bovo, Jr.

Approved as to legal form and sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

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Ordinance was adopted by 5-1-1 vote with Councilmembers Casáls-Muñoz, Garcia-Roves, Rodriguez, Tundidor, and Zogby voting "Yes" and Council President Perez voting "No" and with Councilmember Calvo absent.