

ORDINANCE # 2022-66

Adoption of Ordinance #2022-66 An Ordinance of the Board of County Commissioners of Osceola County, Florida; Amending Chapter 3, Performance and Siting Standards, Article 3.17 Outdoor Sign Standards, 3.17.2 – General Provisions, of the Osceola County Land Development Code to prohibit temporary signs in County right-of-way; providing for severability; providing for conflict; and providing for an effective date.

WHEREAS, in accordance with the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Florida Statutes, as amended, Osceola County enacted Ordinance 00-32, which adopted the Osceola County Land Development Code; and

WHEREAS, subsequent to the effective date of the Land Development Code, it has been determined that amendments are warranted in order to better serve the community and to ensure compliance with the Osceola County Comprehensive Plan; and

WHEREAS, as set forth in section 479.015, Florida Statutes, the State Legislature has determined that the control of signs in areas adjacent to the highways of the state is declared to be necessary to protect the public investment in state highways; to attract visitors to the state by conserving the natural beauty of the state; to preserve and promote the recreational value of public travel; to assure that information in the specific interest of the travelling public is presented safely and aesthetically; to enhance the economic well-being of the state by promoting tourist-oriented businesses; such as public accommodations, vehicle services, attractions, campgrounds, parks, and recreational areas; and to promote points of scenic, historic, cultural and educational interest; and

WHEREAS, the Board of County Commissioners has determined that the control of temporary signs within and upon the County rights-of-ways is declared to be necessary to protect the public investment in the County; to attract visitors to the County by conserving the natural beauty of the County; to preserve and promote the recreational value of public travel; to assure

that information in the specific interest of the travelling public is presented safely and aesthetically; to enhance the economic well-being of the County by promoting tourist-oriented businesses; such as public accommodations, vehicle services, attractions, campgrounds, parks, and recreational areas; and to promote points of scenic, historic, cultural and educational interest; and

WHEREAS, section 479.11(8), Florida Statutes, prohibits signs from being erected, used, operated or maintained upon the right-of-way of any highway on the State highway system, interstate highway system, or federal-aid primary highway system; and

WHEREAS, section 106.1435, Florida Statutes, provides that pursuant to Chapter 479, Florida Statutes, no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed or located on or above any state or county road right-of-way; and

WHEREAS, the Board of County Commissioners desires to prohibit all temporary signs within County rights-of-way, consistent with state law and the County's stated legislative intent; and

WHEREAS, in accordance with the provisions of Section 125.66, Florida Statutes, the Board of County Commissioners conducted a public hearing to consider the amendments, with due public notice having been provided; and

WHEREAS, having reviewed and considered all comments received during the public hearings, the Board of County Commissioners desires to amend sections of the Land Development Code.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:

SECTION 1. RECITALS.

The foregoing recitals are true and correct and incorporated herein.

SECTION 2. AMENDMENT.

This ordinance amends Chapter 3, “Performance and Siting Standards,” of the Osceola County Land Development Code, as follows:

**CHAPTER 3
PERFORMANCE AND SITING STANDARDS**

ARTICLE 3.17 OUTDOOR SIGN STANDARDS

3.17.2 - GENERAL PROVISIONS

- A. Sign means any outdoor sign display comprehensible from any public use, street, road, highway or public pedestrian way using letters, words, figures, symbols, pictures, designs or a combination thereof to advertise, attract attention, indicate direction, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public within the unincorporated area of Osceola County. Signs shall be classified by these regulations as follows:
 - 1. Signs which are allowed by these regulations.
 - 2. Non-conforming signs allowed to remain by provisions of these regulations under certain conditions.
 - 3. Signs that are not in compliance with this Code are prohibited
- B. Signs no greater than six (6) square feet and not more than three (3) feet tall may be placed at the entrance to a site limited to one (1) per entrance.
- C. It shall hereafter be unlawful for any person to erect, place or maintain, or suffer to be erected, placed, or maintained, any sign in Osceola County except in accordance with the provisions of these regulations.
- D. The administration of the regulations is vested in the office of the County Manager. The administration of enforcement of the Florida Building Code is vested in the office of the County Manager.
- E. All signs shall be designed and constructed in accordance with the requirements of the Florida Building Code.

- F. No sign shall be erected, altered or relocated without a building permit issued by the County, except as otherwise provided herein. An electrical permit shall be required for electrical work. Any activity defined herein as a replacement of a sign shall require a building permit. If the work involved is not regulated by the Florida Building Code and does not require a building permit, approval from the County Manager shall still be required.
- G. In accordance with section 106.1435, Florida Statutes, no temporary signs, including but not limited to political campaign advertisements, shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed or located on or above any county road right-of-way. Any sign placed in violation would be subject to Code Enforcement action and subject to a removal fee of \$10.00 per violation.

SECTION 3. SEVERABILITY.

If any provision of this Ordinance, or the application thereof, is for any reason held or declared to be unconstitutional, inoperative, void or invalid, such holding shall not affect provisions or applications of this Ordinance which can be given affect without the invalid provisions or application, and to that end, the provisions of this Ordinance are declared severable.

SECTION 4. CONFLICT.

Any ordinance or part thereof, and/or any resolution, or part thereof, which is in conflict with this Ordinance or part hereof is hereby repealed to the extent of the conflict.

SECTION 5. EFFECTIVE DATE.

The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

DULY ENACTED this _____ day of _____ 20_____.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: _____
Chair/Vice Chair

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: _____
Clerk/Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:
