



AGENDA REQUEST

8.C.3.

2023-58557

CONSENT AGENDA - COUNTY
ATTORNEY

DATE: **2/7/2023**

*ACTION ITEM - PERMISSION TO
ADVERTISE

QUASI-JUDICIAL ITEM? No

TO: Board of County Commissioners

PRESENTED BY: Caroline Valentin, Assistant County Attorney III

SUBMITTED BY: County Attorney

SUBJECT: Permission to Advertise Ordinance Amending Chapter 36, Roads and Bridges, Section 36-1, "Erection of Signs or Structures Within Right-Of-Way Prohibited, Removal"

BACKGROUND:

St. Lucie County Code of Ordinances Section 36-1, "Erection of signs or structures within right-of-way prohibited; removal," prohibits the placement of signs or structures in the right-of-way. The proposed ordinance removes reference to signs since sign regulations are now covered in the Land Development Code at section Chapter IX, and allows for exceptions to the prohibition in the form of a license agreement of the Board of County Commissioners, a county permit, or other specific legal authority.

A copy of the proposed ordinance is attached.

PREVIOUS ACTION:

On March 21, 1978, Ordinance No. 78-3 was passed and duly adopted. On June 1, 2021, Ordinance 21-013 was passed and duly adopted.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends the Board grant permission to advertise an ordinance for a public hearing on February 21, 2023 at 9 a.m., or as soon thereafter as may be heard.

COMMISSION ACTION:

RESULT:

MOVER:

SECONDER: None

AYES:	None
NAYS:	None
EXCUSED:	None

Coordination/Signatures



Date: January 25, 2023

Caroline Valentin, Assistant County Attorney III



Date: January 27, 2023

Patrick Dayan, Public Works Director



Date: January 30, 2023

Daniel McIntyre, County Attorney



Date: January 30, 2023

Mayte Santamaria, Planning & Development Services Director

ORDINANCE NO. 23-XXX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF ST. LUCIE COUNTY BY AMENDING CHAPTER 36, ROADS AND BRIDGES, SECTION 36-1, "ERECTION OF SIGNS OR STRUCTURES WITHIN RIGHT-OF-WAY PROHIBITED; REMOVAL" TO SET FORTH EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING EFFECTIVE DATE; PROVIDING FOR ADOPTION; AND PROVIDING FOR CODIFICATION.

WHEREAS, on March 21, 1978, the Board adopted Ordinance No. 78-3, which established procedures for prohibiting the erection of any signs or structures within the right of way limits of any public roads in the unincorporated areas of St. Lucie County except State maintained roads; and

WHEREAS, on June 1, 2021, the Board adopted Ordinance No. 21-013, which provided for the County Administrator or his designee to have the authority to direct removal of any such signs or structures from County rights-of-way and created an appeals procedure; and

WHEREAS, it is appropriate for the Board of County Commissioners to amend Chapter 36 to provide for Board of County Commissioners permission in the form of a license agreement.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. Chapter 36, "Roads and Bridges" of the Code of Ordinances of St. Lucie County, Florida, is amended to revise Article I "In General", as follows:

Section 36-1. - Erection of signs or structures within right-of-way without permission prohibited; removal.

- (a) No person, as defined in F.S. § 1.01(3), shall erect any structures, including but not limited to permanent and temporary buildings, fences, or other objects constructed or erected on the ground, attaching to something having location on the ground or requiring construction or erection on or under the ground, within the right-of-way limits of any public road in the unincorporated areas of the county except state maintained roads unless otherwise authorized by written license agreement of the Board of County Commissioners, a county permit, or other specific legal authority.

- (b) The county administrator or designee of said county shall have the authority to direct removal of any such ~~signs or~~ structures. However, in the event the ~~sign or~~ structure bears thereon the name of the owner, no such ~~sign or~~ structure shall be removed until the owner thereof, as shown thereon, shall have received 30 days' written notice that unless such ~~sign or~~ structure is removed within such 30-day period, it will be removed by the county.
- (c) Any aggrieved party may appeal a final administrative order of the county administrator or designee to the circuit court. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the county administrator or designee. An appeal shall be filed within 30 days of the execution of the administrative order to be appealed.
- (d) Installation of mailboxes in accordance with the United States Postal Service regulations and Florida Department of Transportation design standards, including those published in the Manual on Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways, are exempt from the requirements of this Section.

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the unincorporated area of St. Lucie County.

PART E. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART F. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State.

PART G. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Commissioner Cathy Townsend, Chair	XXX
Commissioner Linda Bartz, Vice Chair	XXX
Commissioner Chris Dzadovsky	XXX
Commissioner Larry Leet	XXX
Commissioner Jamie Fowler	XXX

PART H. CODIFICATION.

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B through H shall not be codified.

PASSED AND DULY ADOPTED this ____ day of ____, 2023.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

Deputy Clerk

BY: _____
Chair

APPROVED AS TO FORM AND CORRECTNESS

BY: _____
County Attorney