

**TOWN OF CINCO BAYOU
REGULAR COUNCIL MEETING MINUTES
11 MARCH 1999**

Mayor Drabczuk called the regular Town Council Meeting to order at 6:00 PM. Following a silent prayer and the Pledge of Allegiance to the Flag, roll call was taken.

Present: Mayor Drabczuk
Councilwoman Carroll
Councilman Kendrick
Councilman Payne
Councilman Skelly
Councilman Williams

ALSO PRESENT: Town Manager Turner, Attorney Michelle Anchors, Engineer Griswold, Secretary Payne, George Dewrell, Jim Bratton, Maryu Ann

1. Council Approval of Agenda - Councilman Payne made a motion to approve the Agenda, seconded by Councilman Kendrick. The motion passed by unanimous vote.

2. Consent Agenda -

- A. Minutes, Council Meeting of 11 February, 1999
- B. Status of Funds, February 1999

Councilman Payne made a motion to approve the consent agenda, with a second by Councilman Williams. The motion passed with a unanimous vote.

3. Action Items

A. Cinco Baptist Church request for sign permit - After a presentation from Mr. George Dewrell. Councilman Payne made a motion to approve the sign, seconded by Councilwoman Carroll. After Council discussion, the motion was defeated 3 to 2 with Councilman Kendrick, Skelly and Williams voting no and Councilman Payne and Councilwoman Carroll voting yes.

B. Florida Department of Transportation - Eglin Parkway Renewal Letter Authorization - Councilwoman Carroll made a motion to approve the Eglin Parkway contract renewal, seconded by Councilman Williams. The motion passed by unanimous vote.

C. Tree Committee Report - Reappointment to committee and new member - Mrs. Skelly reported that Pinky Ward had moved out of town and could no longer serve on the Tree Board. Mrs. Skelly said she would like to appoint Mrs. Diane Frucci to the Tree Board Committee. Councilman Skelly made a motion to approve the appointment of Mrs. Frucci to the Tree Board Committee, seconded by Councilman Payne. The motion passed by a unanimous vote. Councilman Skelly then made a motion to reappoint Mrs. Eli Skelly and Mrs. Betty Horvath to the Tree Board Committee, seconded by Councilman Williams. The motion passed by unanimous vote. After Mrs. Skelly's report to the Council it was decided that minutes would be prepared for

the Tree Board meetings and they will be presented at the next meeting.

D. Purchase approval - Island project @ Kidd Street and Yacht Club - Estimates for the project will be \$3,200 and the money will come out of the road fund. Councilman Kendrick made a motion to have the Engineer prepare a change order to the contract and proceed with the project, seconded by Councilman Skelly. The motion passed by unanimous vote.

E. COPS Program Presentation - After a presentation by Town Manager Turner on how the program works, Councilman Skelly made a motion to have Manager Turner draft a contract to implement the program, seconded by Councilwoman Carroll. Then Councilwoman Carroll took back her second and Councilman Skelly made a motion authorizing Manager Turner to implement the grant program contingent upon federal funds, seconded by Councilwoman Carroll. The motion passed with a unanimous vote.

4. Engineer's Report - No Report

5. Attorney's Report - No. Report

6. Town Manager's Report-

A. Attended FEMA meeting and was informed the Town qualified for \$3,200 for storm shutters.

B. Newsletter will be mailed by April 1, 1999.

Mayor Drabczuk inquired on spring clean-up. After discussion the date was set for week-end of the April 23, 1999.

C. Will have walk around at the next regular meeting.

7. Public Request - None

8. Councilmember Reports/Comments

A. Councilman Skelly

1. Are we going to swear in the newly appointed council members at next meeting or do they have to be sworn in before then?

B. Councilman Williams

1. Need to notify residents that EWS does not pick-up appliances.
2. Need to notify residents that there is no parking on the right-of-ways.
3. Need to notify residents that they need to take care of their pets.

C. Councilman Kendrick

1. EWS bids are due in April 2, 1999.
2. Check into bringing sign ordinance up to date.
3. Get information from other cities and towns concerning sign ordinances.

D. Councilwoman Carroll

1. Thank Manager Turner for getting rid of dock.
2. When are we going to get I.D. Cards?
3. Do we have any plans to replace the azalea's in front of Town Hall?
4. Why is the Audit contract \$1,500.00 over the budget amount? That amount is for the additional training for the Peachtree program.

F. Councilman Payne

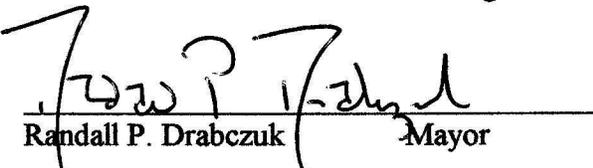
1. Okaloosa County LOC did not have there meeting this month.
2. Have we received the final bill for the paving project?
3. Sheriff's patrol getting good response from residents in town.
4. Getting complaints from residents about some thefts. Please relay to the sheriff.
5. Is anyone concerned about the development of Okaloosa Island by the beach?

9. Correspondence -

A. Invitation: Okaloosa League of Cities quarterly dinner meeting - Let the Admin Asst. know if you would like to attend.

10. Mayor's comments/Announcements - Remind everyone of the League of Cities Dinner at Eglin's Officer's Club and the Town Potluck Dinner on Thursday, March 18, 1999.

11. **ADJOURNMENT** - There being no further business, the meeting was adjourned at 7:50 PM.



Randall P. Drabczuk Mayor

Attest:



Charles W. Turner Town Manager/Clerk



TOWN OF CINCO BAYOU

10 YACHT CLUB DRIVE (CINCO BAYOU)
FT. WALTON BEACH, FLORIDA 32548-4436
904-244-2712

SIGN PERMIT APPLICATION

Date March 3, 1999

Business Name Cinco Baptist Church

Address 26 Yacht Club Drive Ft. Walton Beach, FL 32548

Owner Cinco Baptist Church (850)243-7656

Sign Contractor J.M. Stewart Corp.

2201 Cantu Court Suite 217-218

Address Sarasota, FL 34232 Phone No. (800)237-3928

Location of Sign: Lot One, Block Five

Price of Sign & Installation \$35,000.00

Description of Sign and Materials used:

See attached specifications sheet

Bulletin Board - 24 sq. ft.
Sq Ft of Sign Sign - 48 sq. ft. Height 18 ft. max Windload 120 mph

Foundation Specifications Concrete with footing and anchor bolts

Lot Frontage (in feet) on Street (s) 2200 ft.

Building Wall Length (in feet) 1500 ft. of outer perimeter wall

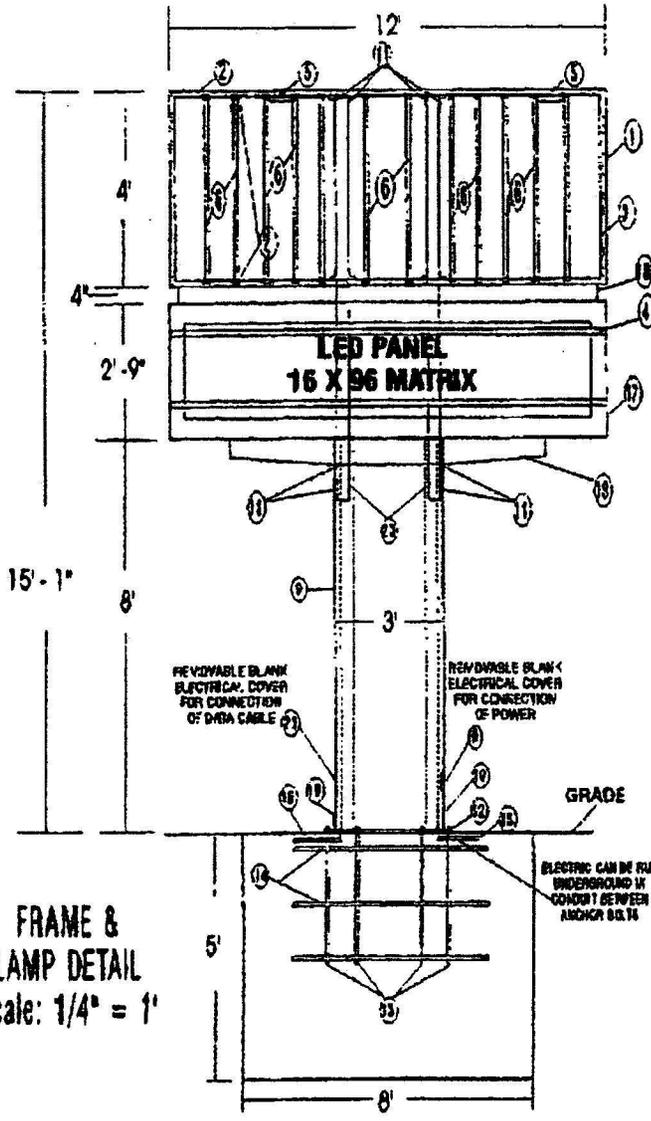
Additional Information Location of sign and bulletin board - S.E. section
of Sea Way and Yacht Club Drive

Dr. Mickey Lane Hawkins
Signature

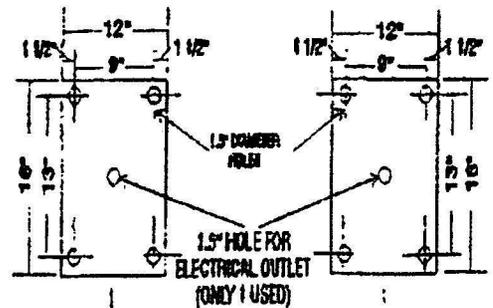
March 3, 1999
Date

Approved _____ Disapproved _____

Town Manager/Clerk Date



FRAME & LAMP DETAIL
 Scale: 1/4" = 1'



BASE PLATE ARRANGEMENT
 Scale: 3/4" = 1'

SPECIFICATIONS

- FRAME**
- 1 9" - EXTRUDED ALUMINUM FILLER
 - 2 1 1/2" FLAT - EXTRUDED ALUMINUM RETAINER
 - 3 24 GAUGE GALVANIZED HAT SECTION
 - 4 1 1/2" x 1 1/2" x 3/16" ALUMINUM ANGLE
 - 5 BALLAST - JEFFERSON BA254-642 2 REQUIRED
 - 6 LAMPS - F40T12 CW/HO 12 REQUIRED
 - 7 SOCKETS - KULKA DOUBLE CONTACT SNAP IN LAMP HOLDERS S82G & S83G
 - 8 ELECTRIC OUT PROVISION
 - 9 6" X 6" X 3/16" SQUARE TUBING (RED-COTE STEEL)
 - 10 1/2" DRAIN HOLE
 - 11 5/16" x 1 1/2" SELF-TAPPING BOLTS 24 REQUIRED
 - 12 17" x 16" x 3/4" BASE PLATES 2 REQUIRED
 - 13 1" x 3/8" I-BOLTS 8 REQUIRED
 - 14 #3 REBAR GRADE 60 OR BETTER TIE EACH JOINT (PROVIDED BY CUSTOMER)
 - 15 PVC CONDUIT (PROVIDED BY CUSTOMER)
 - 16 RIGID 3/4" STEEL CONDUIT (DATA CABLE)
 - 17 5" ALUMINUM LED CABINET (2)
 - 18 24 GAUGE ALUMINUM TRIM
 - 19 4" X 4" X 1/4" GUSSETS
 - 20 4" X 4" X 3/16" SQUARE TUBING (RED-COTE STEEL)
 - 21 DATA CABLE OUT PROVISION

FACE

- A .118" PANFORMED POLYCARBONATE (LLK)
- B FACE DECORATION PER J.M. STEWART ARTWORK

NOTES

- DESIGN FACTOR - 120 MPH
- EXTERIOR FINISH - PPG DURETHANE II (GRAFFITI RESISTANT PAINT)
- LAMPS INCLUDED
- U.L. APPROVED
- CABINET BOLTED TO STEEL SUPPORT SYSTEM
- ELECTRICAL - WITH HEATER BAR 15.7 AMPS, 120 VOLTS
 W/O HEATER BAR 15.5 AMPS, 120 VOLTS
- FOUNDATION ENGINEERING SHOULD BE REVIEWED BY LOCAL AUTHORITIES
- DUE TO VARYING SOIL & WIND LOAD CONDITIONS
- BASE PLATES ARE WELDED TO LEGS AT FACTORY
- I.M.S. TEMPLATE MUST BE USED TO ANCHOR BOLTS INTO CONCRETE

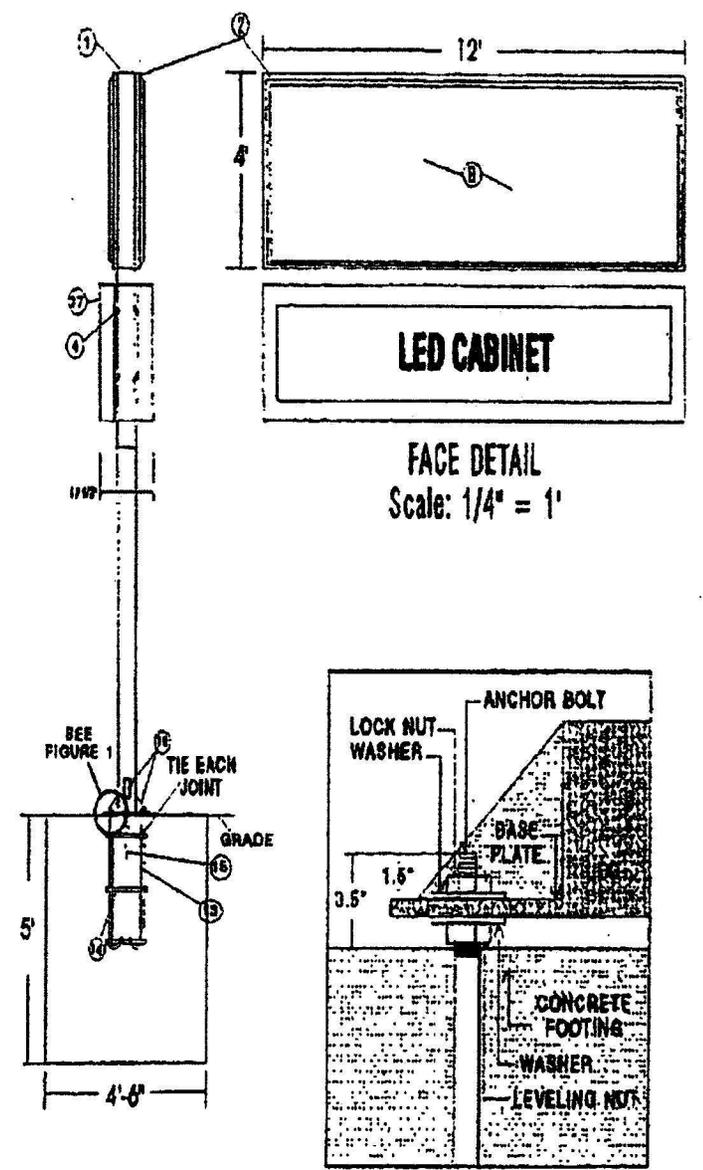
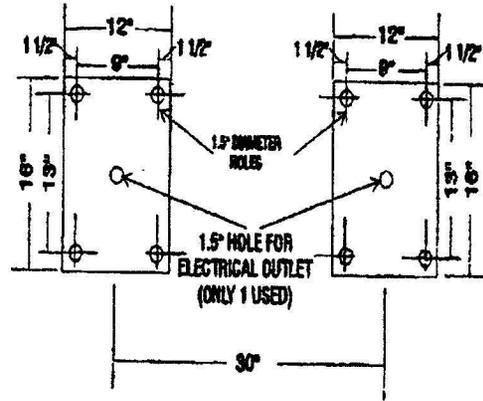


FIGURE 1

TITLE: DAYSTAR LED 1696		#	REVISION	DATE	BY
J. M. STEWART CORPORATION 2501 CANYON CIRCLE BRANCA, A. TEXAS	DATE: 7-13-98	DRAWING # : TD_266			
	LOCATION:				



BASE PLATE
ARRANGEMENT
Scale: 3/4" = 1'

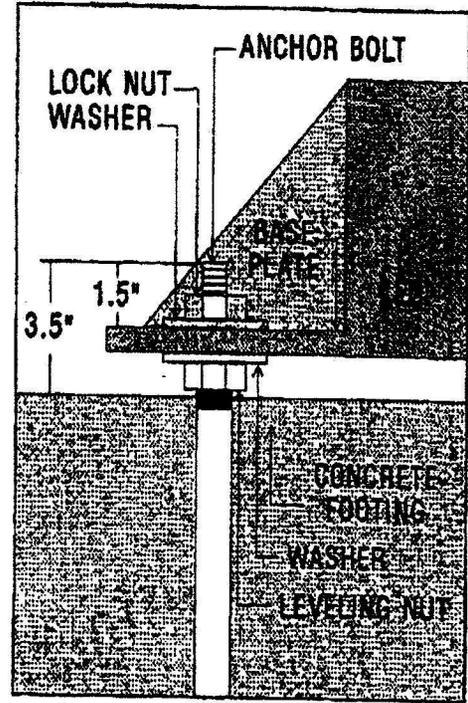


FIGURE 1

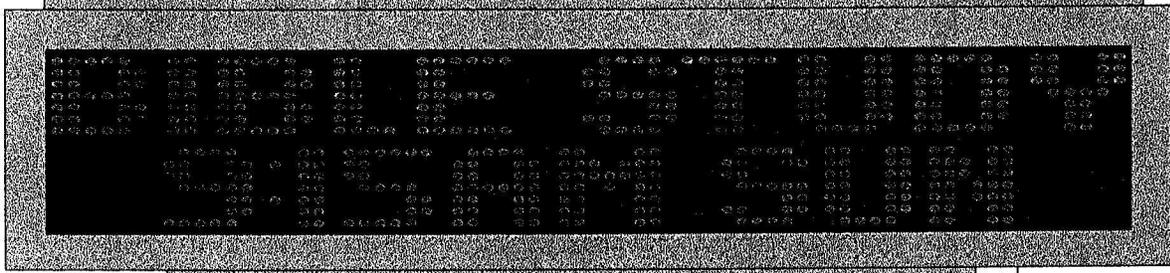
TITLE: DAYSTAR LED 1696		2 of 2		REV	DATE	BY
 J. M. STEWART CORPORATION 2754 CROWN CL. #219 SANAGOTA, FL. 34951	DRWG. #	REV	DATE			
	TD_338	10-7-98				
LOCATION:						

ORIGINAL
DO NOT DUPLICATE

J.M. STEWART CORP.
1-800-237-3928

DESIGN
C# G 219974 3-4-99 RS

Cinco BAPTIST CHURCH



Sunday School
9:15 a.m.
Morning Worship
10:30 a.m.
Evening Worship
6:00 p.m.
Wednesday Service
6:30 p.m.
AWANA - Sundays
5:00 p.m.
Office Phone
243-7656

11'

DAYSTAR LED 1696

DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND INK-BASED PRINTING PROCESS, THIS CUSTOM ARTWORK IS NOT INTENDED TO PROVIDE AN EXACT MATCH BETWEEN INK, VINYL OR PAINT.

Chapter 82

SIGNS*

Article I. In General

- Sec. 82-1. Definitions.
- Sec. 82-2. Penalty.
- Sec. 82-3. Purpose of chapter.
- Sec. 82-4. Compliance with chapter; unsafe signs.
- Sec. 82-5. Exempt signs.
- Sec. 82-6. Maximum number.
- Sec. 82-7. Abandoned signs.
- Sec. 82-8. Written permission of property owner required for erection of signs.
- Sec. 82-9. Use of natural objects.
- Sec. 82-10. Maintenance.
- Sec. 82-11. Misleading statements on signs.
- Sec. 82-12. Lighting.
- Secs. 82-13—82-40. Reserved.

Article II. Administration and Enforcement

- Sec. 82-41. Appeals.
- Sec. 82-42. Variances.
- Sec. 82-43. Nonconforming signs.
- Sec. 82-44. Permit.
- Secs. 82-45—82-70. Reserved.

Article III. Regulations for Specific Types of Signs

Division 1. Generally

- Sec. 82-71. Projecting signs.
- Sec. 82-72. Awning signs.
- Sec. 82-73. Banner signs.
- Sec. 82-74. Freestanding signs.
- Sec. 82-75. Under-canopy signs.
- Sec. 82-76. Wall signs.
- Sec. 82-77. Readerboard or price signs.
- Sec. 82-78. Marquee signs.
- Secs. 82-79—82-100. Reserved.

Division 2. Prohibited Signs

- Sec. 82-101. Off-premises signs.
- Sec. 82-102. Portable signs.
- Sec. 82-103. Miscellaneous prohibited signs.
- Sec. 82-104. Roof signs.
- Sec. 82-105. Obscene, indecent or immoral signs.
- Sec. 82-106. Temporary signs.

*Cross references—Buildings and building regulations, ch. 58; zoning and land use controls, ch. 94.

State law references—Sign regulations required, F.S. § 163.3202(2)(f); municipal sign ordinances, F.S. § 166.0425.

ARTICLE I. IN GENERAL

Sec. 82-1. Definitions.

The following words, terms 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:

Sign means any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

(LDC 1991, § 16.01.01)

Cross reference—Definitions generally, § 54-41.

Sec. 82-2. Penalty.

Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be punished as provided in section 54-8. (Code 1990, § 17-3)

Sec. 82-3. Purpose of chapter.

(a) The objective of this chapter is to establish requirements which promote convenience, safety, property values and aesthetics while granting equal protection and fairness to all property owners.

(b) This chapter is designed to encourage signs which help to visually organize the activities of the town, lend order and meaning to business identification and make it easier for the public and business delivery systems to locate and identify their destinations.

(c) The requirements with regard to placement, installation, maintenance, size and locations of signs act to minimize unnecessary distraction to motorists, protect pedestrians and provide safe working conditions for those persons who are required to install, repair and remove the signs and their structures.

(d) This chapter is intended to enhance property values by enacting and enforcing regulations which create a more attractive business and residential climate and make the town a more desirable town in which to visit, trade, work and live. (Code 1990, § 17-2)

Sec. 82-4. Compliance with chapter; unsafe signs.

(a) No sign shall be installed, erected or constructed in violation of any of the terms of this chapter. No sign shall be erected or maintained that is insecure or in danger of falling or otherwise unsafe.

(b) No outdoor sign (also referred to in this article as a "sign") shall be erected or maintained except in accordance with the provisions of this chapter, with article 600 of the National Electrical Code and with chapter XXIII of the Standard Building Code as adopted by the town. In the event of a conflict between this chapter and the building code or the electrical code, the most strict interpretation will be applied.

(Code 1990, §§ 17-4, 17-5)

Sec. 82-5. Exempt signs.

The following signs shall be exempt from the provisions of this chapter and may be erected or constructed without a permit but in accordance with the state electrical code and building code as adopted by the town:

- (1) Changing copy on a bulletin board, poster board, display encasement or marquee.
- (2) National flags, flags of United States political subdivisions, and flags of civic, charitable, fraternal and welfare organizations.
- (3) Real estate signs, temporary in nature, nonilluminated, not exceeding nine square feet in area for residential properties and 32 square feet in area for commercial properties, advertising real estate under construction, for sale or lease, or rent or improvements of real estate, one sign for each street frontage. Real estate signs may be left in place only until 30 days following closing. Residential real estate signs shall not be placed within three feet of the right-of-way. Commercial real estate signs shall not be placed within ten feet of the right-of-way.
- (4) Church bulletin boards, not exceeding 24 square feet in area.

- (5) A nonilluminated sign identifying the name and address or management of a multifamily structure, not exceeding 16 square feet in area.
- (6) A nonilluminated sign identifying a subdivision or housing project containing not less than ten dwelling units within two or more structures, not exceeding 32 square feet in area.
- (7) A nonilluminated sign identifying permitted public and semipublic uses, not exceeding 16 square feet in area.
- (8) Signs of community, civic and fraternal organizations sponsoring public service events; such organizations shall be allowed a reasonable number of temporary signs designed to inform the public of such events.
- (9) A sign advertising the price of gasoline or automotive service prices, not exceeding one sign for each frontage provided. In addition:
- The sign must be attached to a principal building or to the structure of a permitted detached sign or to a gas pump.
 - The size of any pricing sign attached to the principal building or to a permitted detached sign shall not exceed 12 square feet per sign face or an aggregate area of 24 square feet.
 - Signs which are placed on gasoline pumps to provide required information to the public regarding price per gallon or liter, type of fuel and octane rating shall not exceed three square feet in area and six square feet in total area.
- (10) Signs advising the acceptance of credit cards not exceeding two square feet and which are attached to buildings or permitted freestanding signs.
- (11) On-premises menu signs at fast food restaurant ordering stations not in excess of 20 square feet adjacent to fast food restaurants.
- (12) A temporary nonilluminated sign, not exceeding 32 square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. Only one such sign shall be allowed for each site and the sign shall be removed upon issuance of the certificate of occupancy or upon completion of construction.
- (13) Nonilluminated signs, not exceeding six square feet in area, with letters not exceeding eight inches in height, painted, stamped, perforated or stitched on the surface area of a permitted awning, canopy, roller curtain or umbrella.
- (14) Symbolic flag and award flag of an institution or business (house flag), not exceeding one for each 50 feet of street frontage.
- (15) Weather flags, for providing information on weather conditions, not exceeding one set for each premises.
- (16) Temporary decorative flags and bunting for conventions and commemorations.
- (17) A nameplate, not exceeding one for each street frontage on the premises and not exceeding two square feet in area, to identify the owner or occupant of a dwelling or building.
- (18) Private directional signs indicating a direction to a place or facility on the premises, not exceeding 3½ square feet in area and not exceeding three feet in height.
- (19) Mailbox signs, identifying only the resident or occupants of the premises and the street address, with lettering or numbers limited to a maximum height of two inches.
- (20) Nonilluminated paper, tape or painted signs in windows not exceeding 20 percent of the total glass of the window in which they are placed.
- (21) Supplier, contractor or financial institution signs, temporary in nature, nonilluminated, not exceeding 32 square feet in area, advertising suppliers, contractors and lenders for construction projects in progress. The signs may be left in place only until 30 days after project completion.

- (22) Nonilluminated temporary paper signs in windows.
- (23) Signs attached to operating vehicles.
- (24) Official traffic signs or signals, informational signs erected by a governmental agency and temporary signs indicating danger.
- (25) Advertising banners intended to promote or advertise on-site business or commercial activities of a transitory nature, which may be attached to a building or to the structure of a detached sign or to ancillary equipment in any business district, notwithstanding any contrary provisions of the zoning code. Upon application to the town manager/clerk, without a fee, a permit for 30 days shall be issued, subject to the following conditions:
- a. A banner sign is defined as a sign made of fabric or any nonrigid material, which shall be strongly constructed and shall be securely attached to its supports.
 - b. Temporary banners shall be not larger than 80 square feet in area for each 20 linear feet of the main or entry frontage of the place of business.
 - c. There shall be no more than one temporary banner on any building or property.
 - d. No temporary banner of combustible construction shall be allowed.
 - e. Temporary banners shall not be hung so as to cover either partially or completely any door, window or opening required for exit or ventilation.
 - f. Temporary banners shall be removed immediately if torn or damaged, or upon order of the authorities, if it is determined that placement of such banner or its condition constitutes a health or safety hazard, or upon expiration of the permit.
 - g. Banners shall be heavy duty cloth or a vinyl material of 13-ounce minimum weight. The banner shall have rein-

forced three-eighths-inch hole diameter grommets placed in the center and at 36 inches apart center-to-center. The banner shall have at least two wind slits cut for every 2½ feet.

- h. No banner shall be erected on public rights-of-way or within required zoning setback lines.
- i. In no event shall more than one permit be issued for any one building or site during any two-month period.
- j. Liability insurance shall be maintained during the time of the permit.

(Code 1990, § 17-6; Ord. No. 162, § 1, 9-6-94)

Sec. 82-6. Maximum number.

(a) Unless otherwise specified, each individual business, establishment or institution will be allowed a total of two outdoor signs, but not more than one each of the following types of signs, on the premises: wall sign, projecting sign, marquee sign, awning sign and freestanding sign.

(b) The following additional signs are allowed:

- (1) Where a business has more than one frontage, two additional signs, but not more than one of each type, will be allowed on each additional frontage.
- (2) Where a business has more than 100 feet of frontage, an additional sign of any type will be allowed.
- (3) Directional/informational signs are allowed.

(c) For purposes of this section, frontage is defined as the length of the property line of any one premises along each public street on which it borders.

(LDC 1991, § 16.00.02)

Sec. 82-7. Abandoned signs.

An abandoned sign is defined as a sign which no longer gives correct directions to or advertises a bona fide business conducted, service performed or product sold, and which is not being maintained. This type of sign is prohibited. Any sign, structure or support relating to a business which has not been operating for six months shall be considered an abandoned sign and may be re-

removed by the town at the property owner's expense following ten days' written notice to the property owner.

(LDC 1991, § 16.00.03)

Sec. 82-8. Written permission of property owner required for erection of signs.

No person shall construct, erect, operate, use or maintain any outdoor advertising structure, outdoor advertising sign or advertisement without the written permission of the owner or other person in lawful possession or control of the property on which such structure or sign is located.

(LDC 1991, § 16.00.22)

Sec. 82-9. Use of natural objects.

No sign shall be erected, maintained or painted upon trees or other objects in their natural state.

(LDC 1991, § 16.00.11)

Sec. 82-10. Maintenance.

(a) All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the Standard Building Code and amendments and all associated building, mechanical and electrical codes adopted by the town. The vegetation around, in front of, behind and underneath the base of ground signs for a distance of ten feet shall be trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

(b) The owner of any sign erected or constructed pursuant to this Code shall have a continuing obligation for the safe and secure maintenance of the sign, as shall all successors in title and ownership. The town inspector shall notify any owner of any sign which does not meet the building standards adopted by the town, or any provision of this Code, of any deficiency requiring immediate correction.

(LDC 1991, §§ 16.01.00, 16.01.01)

Sec. 82-11. Misleading statements on signs.

It shall be unlawful for any person to display untrue, false or misleading statements upon signs, billboards or other public places, calculated to mislead the public as to anything sold, any services to be performed, or information disseminated. The fact that any such sign or display shall contain words or language sufficient to mislead an ordinary person in reading the sign or display shall be prima facie evidence of a violation of this section by persons displaying such signs or permitting such signs to be displayed upon their property at their residence, establishment or place of business.

(LDC 1991, § 16.00.21)

Sec. 82-12. Lighting.

No revolving or rotating beam or beacon of light that simulates any emergency light or design shall be permitted as part of any outdoor advertising sign. External lighting such as floodlights and thin-line and gooseneck reflectors are permitted, provided that the light source is directed on the face of the outdoor advertising sign and is effectively shielded so as to prevent beams or rays of light from being directed onto any portion of any right-of-way. Flashing lights or flashing signs which contain an intermittent or sequential flashing light source are prohibited.

(LDC 1991, § 16.00.07)

Secs. 82-13—82-40. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 82-41. Appeals.

Any decision rendered by inspection in denying a permit or in alleging a violation of this chapter may be appealed to the town council.

(Code 1990, § 17-7)

Sec. 82-42. Variances.

A request for a variance to this chapter will be made to the planning and zoning board. It shall be the responsibility of the applicant to demonstrate that:

- (1) Special conditions and circumstances exist which are peculiar to the sign involved and which are not applicable to other similar signs.

- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other similar signs.
- (4) The variance granted is the minimum variance that will make possible the reasonable use of the sign.
- (5) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other similar signs under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (6) The grant of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(Code 1990, § 17-9)

Sec. 82-43. Nonconforming signs.

- (a) A nonconforming sign is defined as:
 - (1) A sign which was erected legally but which does not comply with subsequent enacted sign restrictions and regulations;
 - (2) A sign which does not conform to the sign code requirements but for which a nonconforming permit or variance has been issued; or
 - (3) A sign in existence prior to June 18, 1984, which does not conform to the provisions of this chapter.
- (b) A nonconforming sign may be continued in use after June 18, 1984, provided it meets the sign, building, electrical and traffic codes of the town or is brought into conformity with the codes within 30 days after notification of violations, until:
 - (1) If the sign violated the then existing ordinance at the time of its installation, August 1, 1984;

- (2) For nonportable signs, July 1, 1989; and
- (3) For portable signs, July 1, 1985.
- (c) A nonconforming sign shall not be:
 - (1) Replaced with another nonconforming sign.
 - (2) Relocated unless relocation will bring the sign into conformity.
 - (3) Modified in any way that would increase the degree of nonconformity.
 - (4) Structurally altered so as to extend its useful life.
 - (5) Reestablished after damage or destruction if the damage or destruction exceeds 50 percent of the sign's current appraised value.

The restrictions in this subsection on nonconforming signs do not preclude normal repair, maintenance and upkeep.

(d) A sign made nonconforming due to annexation into the town after June 18, 1984, shall have the same provisions of this section applied. (LDC 1991, § 16.02.00)

Sec. 82-44. Permit.

(a) *Application; fee.* Applications for permits for advertising structures, advertising signs or advertisement shall be made on forms provided by the town and shall be accompanied by such drawings and specifications as may be necessary to fully advise and acquaint the town manager/clerk with the location, construction, weight, materials and manner of illuminating and of securing or fastening such proposed device, and shall be signed by the applicant or his duty authorized representative. Every application for a permit shall be accompanied by payment of the fee for every advertising structure, advertising sign or advertisement included in the application.

(b) *Posting of permit number.* For every permit issued, the town manager/clerk shall deliver to the applicant a permit number, which shall be painted on the face of the advertising structure, advertising sign or advertisement in numerals one inch high on the end nearest the roadway in a manner that shall cause it to be plainly visible. The construction, erection, use or maintenance of any advertising structure, advertising sign or

advertisement which is required by this chapter to be permitted, without having painted thereon a currently valid permit number, shall be prima facie evidence that the sign has been constructed or erected and is being operated, used or maintained in violation of the provisions of this chapter, and the sign shall be subject to removal at the direction of the mayor or town council.

(c) *Qualifications of contractors.* No permit for a sign shall be issued for work for which certification or registration is required by F.S. ch. 489 unless the person applying for the permit is registered or certified pursuant to such chapter. (Code 1990, § 17-18(c); LDC 1991, § 16.03.00)

Secs. 82-45—82-70. Reserved.

ARTICLE III. REGULATIONS FOR SPECIFIC TYPES OF SIGNS

DIVISION 1. GENERALLY

Sec. 82-71. Projecting signs.

A projecting sign is defined as an outdoor advertising display which is affixed to any building, wall or structure and extends beyond the building wall, structure, building line or property line more than 12 inches. One projecting sign is allowed per business with one of any other type of sign. For each linear foot of frontage, one square foot of sign area will be allowed, plus an additional ten square feet per building story to a maximum of 100 square feet. A permit is required. (LDC 1991, § 16.00.14)

Sec. 82-72. Awning signs.

An awning sign is defined as a sign painted on, printed on or attached flat against the surface of any awning. A permit and fee are required. (LDC 1991, § 16.00.04)

Sec. 82-73. Banner signs.

A banner sign is defined as a sign made of any fabric or any nonrigid material, string, pennants, festoons, or windblown attention-catching devices. Banners are prohibited except as allowed for special events, festivals, grand openings or

recognized holidays. All such items may be left in place for a period not to exceed 30 days. A permit is required; there is no fee. (LDC 1991, § 16.00.05)

Sec. 82-74. Freestanding signs.

A freestanding sign shall be defined as a sign supported by poles or braces in the ground and not attached to any building. In calculating the area of a freestanding or projecting sign, only the largest face of any double-faced or multi-faced sign shall be counted. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

- (1) The area enclosing the perimeter of each cabinet or module shall be totaled to determine total area. Architectural embellishments such as pole covers and other embellishments shall not be included in the area of sign measurements if they do not bear any advertising copy.
- (2) A module is defined as panels of identical size and shape, pre-formed for rapid construction, or set up on the actual building site.
- (3) For each linear foot of frontage, one square foot of sign area will be allowed to a maximum of 100 square feet. Any business with less than 32 linear feet of frontage will be allowed one freestanding sign not to exceed 32 square feet of sign area. A permit is required.

(LDC 1991, § 16.00.06)

Sec. 82-75. Under-canopy signs.

An under-canopy sign is defined as a sign suspended beneath a canopy, ceiling, roof or marquee. The sign area shall be limited to 12 square feet. A permit is required. (LDC 1991, § 16.00.16)

Sec. 82-76. Wall signs.

A wall sign is defined as an outdoor advertising display sign that is painted on or affixed to the wall of any building. One wall sign is permitted with any other type of sign. Wall signs shall not exceed a total area of two square feet of sign area

for each linear foot of building wall upon which the sign is placed. The area shall be within a single, continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as a background with no additional decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined area of the individual figures shall be considered the total sign area. A permit is required.
(LDC 1991, § 16.00.17)

Sec. 82-77. Readerboard or price signs.

A readerboard or price sign with movable copy is allowed provided the area of the readerboard does not constitute more than one-half of the total sign area of any one face of the sign and providing the readerboard is architecturally integrated into the sign.
(LDC 1991, § 16.00.20)

Sec. 82-78. Marquee signs.

(a) In this section:

- (1) *Marquee sign* means a projecting sign attached to or hung from a marquee.
- (2) *Marquee* means a canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building, building line or property.

(b) One marquee sign is allowed per business with one of any other type of sign. For each linear foot of frontage, one square foot of sign area is allowed, plus an additional ten square feet of sign per building story to a maximum of 100 square feet.
(LDC 1991, § 16.00.08)

Secs. 82-79—82-100. Reserved.

DIVISION 2. PROHIBITED SIGNS

Sec. 82-101. Off-premises signs.

An off-premises sign is defined as a sign structure which advertises or directs to an establish-

ment, business, merchandise service, commodity, attraction or entertainment sold, produced, manufactured or furnished at a place other than the property on which the sign is located or to a political candidate or political issue. This type of sign is prohibited. This sign includes but is not limited to those types of signs commonly known as billboards.
(LDC 1991, § 16.00.10)

Sec. 82-102. Portable signs.

A portable sign is defined as any sign which is capable of being moved easily. This includes signs mounted on wheels or a trailer chassis, sidewalk signs or sandwich signs. This type of sign is prohibited.
(LDC 1991, § 16.00.13)

Sec. 82-103. Miscellaneous prohibited signs.

(a) The following miscellaneous signs are prohibited:

- (1) A sign on public rights-of-way, sidewalks, parkways, public property, parks, curbs, trees, fences, public benches, streetlights and telephone poles is prohibited, except for those placed by appropriate governmental authorities. This includes but is not limited to those types of signs commonly known as snipe signs.
- (2) Signs in violation of any building, electrical or traffic codes effective in the town are prohibited.
- (3) Signs imitating or resembling official traffic or government signs are prohibited.

(b) No advertisement, advertising sign or advertising structure shall be constructed, erected, used, operated or maintained:

- (1) Within 15 feet of the outside boundaries of a federal or state highway or municipal structure or within 100 feet of any church, school, cemetery, public park, public reservation or public playground within the limits of the town.
- (2) Which displays intermittent lights not embodied in an outdoor advertising sign, or

any rotating or flashing light within 100 feet of the state, county or municipally owned right-of-way.

- (3) Which uses the word "stop" or "danger," or presents or implies the need or requirement of stopping of the existence of danger, or which is a copy or imitation of official signs.
- (4) Which is placed on the inside of a curve or in any manner that may prevent persons using the roadway from obtaining an unobstructed view of approaching vehicles.
- (5) Which is nailed, fastened or affixed in any manner to any tree, post, curve, utility pole or any other structure or upon any right-of-way of any state, county or municipally maintained road.
- (6) Which is erected or maintained in an unsafe, insecure or unsightly condition.
- (7) Which is attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window of any building, nor shall any sign obstruct or be attached to a fire escape.

(LDC 1991, §§ 16.00.09, 16.04.00)

State law reference—Signs resembling traffic signs prohibited, F.S. § 316.077.

Sec. 82-104. Roof signs.

A roof sign is defined as a sign erected upon or which extends above the roof of the building to which it is attached. This type of sign is prohibited.

(LDC 1991, § 16.00.15)

Sec. 82-105. Obscene, indecent or immoral signs.

See F.S. ch. 847 for regulations pertaining to obscene, indecent or immoral signs.

(LDC 1991, § 16.00.18)

Sec. 82-106. Temporary signs.

Except as otherwise provided in section 82-5, an outdoor temporary sign is prohibited.

(LDC 1991, § 16.00.19)



COPS Fact Sheet

www.usdoj.gov/cops/

COPS Officer Retention Requirements

Retention Basics

When your agency accepted a COPS grant, it committed to keeping the additional COPS-funded officer and/or civilian positions once Federal support and the grant period ends. This retention requirement is a condition of all COPS hiring and redeployment grant programs.

COPS-funded positions must be retained over and above the previous locally-funded number of positions in the enforcement agency for at least one budget cycle beyond the conclusion of Federal funding. Consistent with the 1994 Crime Bill, this will help to ensure a long-term increase in the number of sworn officer and/or civilian positions serving the community. These positions can be retained using state, local, or other non-Federal funding. You cannot use attrition to meet the retention requirement.

Covered COPS Programs

The retention requirement applies to the COPS AHEAD, FAST, Universal Hiring Program, MORE, and Distressed Neighborhoods grants. Phase I grantees submitted retention plans with their grant applications and should follow through with those plans.

Non-Covered COPS Programs

The requirement does *not* apply to the Youth Firearms Violence Initiative; Community Policing to Combat Domestic Violence; the Anti-Gang Initiative; Problem-Solving Partnerships; Advancing Community Policing; School-Based Partnerships; Regional Community Policing Institutes; or the Methamphetamine Initiative.

Retention Agreements

When an agency applies for and accepts a COPS grant, it submits retention information on some (or all) of the following documents: budget summary sheets; the signed grant award page, grant conditions (of which retention planning was one); Annual Reports; and the Community Policing Information Worksheet. Agencies must follow through with these plans and the grant conditions as agreed upon when the grant was accepted.

Retention Planning

Planning to retain COPS-funded positions must reflect a legitimate attempt by the law enforcement agency and its governing body (the city, county, town or borough, for example) to secure and provide funding to continue the employment of the additional officer and/or civilian. Documentation of this planning must be submitted with the application.

Since the COPS statute requires agencies to retain the COPS-funded officer and civilian positions with state or local funding sources at the conclusion of Federal support, UHP, MORE, Advancing Community Policing, Local Law Enforcement Block Grants (LLEBG) or Community Development Block Grants (CDBG) cannot be used for retention purposes.

Failing to Plan for Retention

Failure to document efforts to retain or making no efforts to retain, may result in the revocation or suspension of existing grant funds, rejection of pending applications, ineligibility for further COPS or Office of Justice Programs funding, and any other remedies the Department deems appropriate. For audit purposes, records must also be

available for review up to three years after the conclusion of the grant.

As part of our monitoring efforts, COPS, the Office of the Inspector General, and other U.S. Department of Justice representatives regularly review your progress in retention planning. Retention planning is a condition of the grant award and is a compliance requirement. COPS will track officer and civilian retention three times a year for a minimum of one year following the conclusion of each grant. If your agency currently has a grant, COPS will confirm retention planning when conducting a monitoring site visit.

Sample Retention Plans

Across the country, agencies are using sound fiscal management policies to retain COPS-funded staff. Most grantees are retaining through budget requests to their governing bodies. In addition, agencies have turned to innovative funding avenues such as:

- Collaborative arrangements with other state/local agencies to share the cost of positions based on assignments (i.e., school districts, public housing);
- Using funds from cost savings elsewhere in the department or other government body;
- Retiring municipal bonds;
- Applying for other non-Federal funding sources such as state grants to support the additional COPS positions at the termination of the COPS grant;
- Using funds from parking, traffic or ordinance enforcement;
- Using asset forfeiture funds;
- Seeking law enforcement funding from private sources, including corporate and non-profit entities; and or
- Pursuing local revenue initiatives.

This is just a sampling of options and the COPS Office does not endorse any particular approach.

Grant Monitoring

All COPS hiring and redeployment grant programs require official or formal documentation of retention planning. This may consist of documents indicating your intent to retain the COPS-funded officer and/or civilian positions at the conclusion of the grant period. The documentation may include: relevant sections of official transcripts from governing body meetings; internal memoranda; or official budget documents. You must submit these documents along with a written assurance from the government authority that positions will be retained at the conclusion of the grant period.

Financial Distress and Retention

Local fiscal and budgetary conditions cannot always be predicted. If circumstances arise which jeopardize the ability to retain, contact the COPS Office immediately for a review of their retention plan and implementation efforts. The COPS Office will evaluate these situations on a case-by-case basis.

For More Information

For questions about the obligation to retain, contact your grant advisor. Questions may also be answered by a call to the U.S. Department of Justice Response Center at 1-800-421-6770, or by visiting the COPS web site at: <http://www.usdoj.gov/cops/>.



Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

Post Office Box 607
Chipley, Florida 32428
March 1, 1999

3-4-99
[Handwritten initials]

Honorable Randall P. Drabczuk, Mayor
Town of Cinco Bayou
10 Yacht Club Drive
Ft. Walton Beach, Florida 32548-4436

Re: Memorandum of Agreement between the Department of Transportation
and the Town of Cinco Bayou

Dear Mayor Drabczuk:

The Memorandum of Agreement with the Town of Cinco Bayou is scheduled for completion June 30, 1999. However, the terms of this agreement provide for a renewal under the same terms and conditions, if mutually agreed upon by the Department and your town.

We need a letter from you by March 26, 1999 stating your desire to renew or not your agreement with the Department.

If you have any questions regarding this matter, please feel free to call my office at (850) 638-0250, extension 651.

Sincerely,

Lloyd A. Tharpe
District Contracts
Maintenance Engineer

LAT:AP:sm

cc: Messrs. Larry Kelley, Mark Thomas, Alan Bush, Charlie Ward