

TOWN OF CINCO BAYOU
SPECIAL MEETING
APRIL 9, 1984

The Special Meeting of the Town of Cinco Bayou Town Council was called to order at 7:04 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Usrey requested the Clerk call the roll.

ROLL CALL

Present: Mayor Usrey
Councilman Johnston
Councilman Laginess
Councilman Perry

Absent: Councilman Davis
Councilwoman Kelley

Also Present: Attorney Powell Tania Eaves
Marjorie Crawford Gloria K. Frazie
Richard See Clerk Borchik
Janet Lemmi Secretary Knox
Ken Arrant

1. PUBLIC HEARING - 1st Reading of Ordinance No. 89 - AN ORDINANCE AMENDING SECTION 21, APPENDIX B, ARTICLE II OF THE CODE OF ORDINANCES OF THE TOWN OF CINCO BAYOU, FLORIDA, WITH REFERENCE TO THE RATES FOR REGULAR SERVICE WHICH MAY BE CHARGED BY WARNER CABLE OF FORT WALTON BEACH; REPEALING ORDINANCES INCONSISTENT WITH SAID ORDINANCE, SEVERING INVALID PORTIONS OF SAID ORDINANCE; PRESCRIBING AN EFFECTIVE DATE THEREOF. Attorney Powell read Ordinance No. 89 by title only. Councilman Laginess moved to approve the first reading of Ordinance 89, seconded by Councilman Perry. The motion passed 2 to 1 on a roll call vote with Councilman Johnston voting nay.

2. PUBLIC HEARING - Request for "Special Exception" to allow placing a lumberyard on Lot 2, Block 27, Cinco Bayou Subdivision - Mr. Arrant, Homecrafters. Mr. Arrant, Homecrafters was present to request the Council's approval to extend the present lumberyard to Lot 2. Mr. Arrant advised the Council that a survey would be made to determine exact lot lines. There being no objection from those present or Council, Mayor Usrey requested the Attorney to read the amending Ordinance. Attorney Powell read Ordinance 90 by title only. Councilman Johnston moved to approve the first reading of Ordinance 90, seconded by Councilman Perry. The motion passed unanimously.

There being no further business, the Special Meeting adjourned at 7:16 P.M.

COUNCIL AS COMMITTEE MEETING

MINUTES - Mayor Usrey asked the Council to review the minutes of March 12, and March 19, 1984 Town Council Meetings for approval at the next council meeting.

FINANCIAL REPORT - Mayor Usrey asked the Council to review the financial report of March, 1984 for approval at the next council meeting.

REGULAR BUSINESS

1. Request for Building Permit - Mrs. T. Eaves - Mrs. Eaves presented the drawings for a dance studio and gymnasium to be erected on Yacht Club Drive and asked that the Council approve her request for a building permit. Mayor Usrey advised Mrs. Eaves that this request will be brought before the Council at next week's meeting.
2. Request for ROW Parking - Andrea Development Corporation - Gloria Frazier, representing Andrea Development Corporation, builders of Kidd Bayou Oaks, requested that the Council consider vacating the right-of-way on the south end of Kidd Bayou to allow for additional off-street covered parking for Kidd Bayou Oaks. Following a lengthy discussion, Mayor Usrey advised Ms. Frazier that a covered parking area on the right-of-way was not acceptable and another solution should be found for the parking problem.
3. "0" Foot Lot Line for Townhouses - BOA Minutes 3/21/84 - Mayor Usrey advised the Council that the Board of Adjustment Meeting at the March 21, 1984 meeting recommended that the Council consider an amendment to the Zoning Ordinance allowing "0" foot lot lines for Townhouses. After a brief discussion, it was decided that the Clerk and Attorney would draft a proposal to be presented to the Council at next week's meeting.
4. Dodge House Fire Damage - Mayor Usrey advised the Council that Mr. Walter Dodge had requested a time limit for clearing away the house at 58 Yacht Club that was destroyed by fire. The Town Ordinance reads that any structure that is more than 75% destroyed cannot be rebuilt. After a brief discussion, it was decided that the Clerk will request a written statement as to the percent of damage from the Fort Walton Beach Fire Department before a time limit for tearing down the structure is set.
5. Proposed Sign Ordinance - Councilman Laginess - Councilman Laginess presented a draft of the proposed sign ordinance. After a brief discussion, Mayor Usrey asked the Councilmember to read the proposed sign ordinance and be prepared to discuss it at the next meeting.

6. Town Hall Parking Lot - The Clerk advised the Council that the Town Hall Parking Lot is deteriorating rapidly. The Clerk has obtained an estimate of \$565 to patch, repair and seal the parking lot. The Clerk also advised the Council that a gutter needs to be installed on the front of the Town Hall to prevent erosion. Mayor Usrey advised that this matter will be brought before the Council for approval at next week's meeting.

PUBLIC REQUESTS WILL BE HEARD AT THIS TIME. None

COMMITTEE REPORTS

Standing Committees

1. Streets & Sidewalks - Councilman Davis. No report
2. Parks - Councilwoman Kelley. No report
3. Finance & Budget - Councilman Johnston. The Clerk advised the Council that each Councilmember has a copy of the Quarterly Status Report for Expenditures and Revenues for review.
4. Waterfront - Councilman Perry. No report
5. Civil Defense - Councilman Perry. The Clerk advised the Council that in May there will be another Civil Defense meeting in preparation for the Hurricane Season.
6. Neighborhood Watch - Councilman Laginess. No report.

Special Committees

1. Bicycle Path - Councilman Johnston. No report
2. Building Codes - Councilman Laginess. No report
3. Sign Ordinance - Councilman Laginess. No report
4. Comprehensive Plan Review - Councilman Perry. Councilman Perry advised the Council that a Comprehensive Plan Meeting needs to be scheduled to continue work on the Plan.
5. Sea Way Boat Ramp - Councilman Perry. No report.
6. TV Cable Franchise & Rate Increase - Councilman Davis. No report
7. Glenwood Park - Councilwoman Kelley. No report

ATTORNEY'S REPORT. None

CORRESPONDENCE

1. Letter - City of Holmes Beach - Municipal Sunset. Mayor Usrey advised that anyone concerned about this issue should write

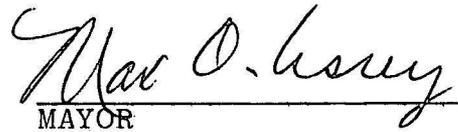
letters to their legislators voicing their opposition to Municipal Sunset.

CLERK'S REPORT

1. The Clerk advised the Council that Mr. Overstreet will have the estimates and proposals for Kelly Avenue and Glenwood Park ready by tomorrow.
2. The Clerk advised the Council that it appears that the Clean Up Week was not as successful as it had been in previous year. The dumpsters have been emptied once and most of them are still empty.
3. The Clerk advised the Council that a certified letter had been sent to Mr. Folta, return receipt requested, concerning damages to the Francis Park fence. Mr. Folta was advised that unless payment was received by April 1, it would be turned over to the Attorney. The Attorney will write a letter to Mr. Folta advising him that if payment is not received within 10 days, steps will be taken to have his license revoked.
4. The Clerk advised the Council that Mr. Mike Plaster who has purchased the Moorings property does not have all of his work completed and hopes to be at next month's meeting to request a building permit.
5. The Clerk advised the Council that Friday will be Mr. Hagel's last day to work for the Town. The Clerk will begin interviewing tomorrow for a replacement.
6. The Clerk advised the Council that the current Open Government Books were received today.

MAYOR'S ANNOUNCEMENTS. None

There being no further business, the meeting was adjourned at 8:51 P.M.


MAYOR

Attest:


TOWN CLERK

NOTE: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part, and is on file in the office of the Town Clerk.

AN ORDINANCE AMENDING SECTION 21, APPENDIX B, ARTICLE II OF THE CODE OF ORDINANCES OF THE TOWN OF CINCO BAYOU, FLORIDA WITH REFERENCE TO THE RATES FOR REGULAR SERVICE WHICH MAY BE CHARGED BY WARNER AMEX CABLE COMMUNICATIONS, INC.; REPEALING ORDINANCES INCONSISTENT WITH SAID ORDINANCE, SEVERING INVALID PORTIONS OF SAID ORDINANCE: PRESCRIBING AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED by the Town Council of the Town of Cinco Bayou, Florida, that:

Section 1. That Section 21 "Warner Amex Cable Communications, Inc. Rate Chart" Appendix B, Article II of the Code of Ordinances, Town of Cinco Bayou, Florida is hereby amended to read as follows:

"The following rate chart shall be in effect for Cinco Bayou, Florida, franchise:

Residential Subscribers

<u>Description</u>	<u>Aerial</u>	<u>Underground</u>
Initial Installation (standard install 150')	20.00	25.00
Initial Installation (non-standard, 150' +)	Cost +	Cost +
Monthly Service Charge (first outlet)	9.00	9.00
Installation of Each Additional Outlet	12.50	12.50
Monthly Service Each Additional Outlet	1.50	1.50
Reconnect Fee (if service suspended)	10.00	10.00
Reactivate Existing Drop (previous customer)	10.00	10.00
Relocate Outlet	12.50	12.50

Commercial Subscribers

Installation and monthly service are negotiable between grantee and subscriber.

Section 2. This ordinance shall take effect immediately upon its passage and approval by the Mayor.

Section 3. All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Should any section, clause or provision of this ordinance be declared by a court to be invalid, the same shall not affect the validity of the ordinance in the whole or in any part hereof.

ADOPTED this _____ day of _____, 1984.

APPROVED: _____

MAYOR

ATTEST:

ALBERT S. BORCHIK, JR.
Town Clerk

TOWN OF CINCO BAYOU
SPECIAL MEETING
APRIL 9, 1984

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There being no further business, the Special Meeting adjourned at 7:16 P.M.

AN ORDINANCE AMENDING SECTION 6, APPENDIX A--ZONING OF THE CODE OF ORDINANCES OF THE TOWN OF CINCO BAYOU, FLORIDA; PROVIDING FOR THE PERMITTED USE OF A LUMBERYARD ON LOT 2, BLOCK 27, CINCO BAYOU SUBDIVISION IN C-1 LIMITED COMMERCIAL DISTRICT AND PROVIDING AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED by the Town Council of the Town of Cinco Bayou, Florida:

Section 1. Section 6, "C-1 Limited Commercial District" of Appendix A--Zoning of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended to allow the following special exception which shall read as follows:

(20A) A lumberyard with outside storage is permitted on the west 125' of Lot 2, Block 27, Cinco Bayou Subdivision.

Section 2. This ordinance shall take effect immediately upon its passage and approval by the Mayor.

Section 3. All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Should any section, clause or provision of this ordinance be declared by a court to be invalid, the same shall not affect the validity of the ordinance in the whole or in any part hereof.

ADOPTED this _____ day of _____, 1984.

APPROVED: _____
MAYOR

ATTEST:

Town Clerk

TOWN OF CINCO BAYOU EXPENDITURES FOR OCTOBER 1983 THROUGH MARCH, 1984

ACCOUNT	TITLE	FYE 84 BUDGET	OCT THRU MAR
50010	Center (Repayment)	\$ 3,600.00	\$ 1,800.00
51312	Salaries and Wages	28,754.00	12,581.70
51332	Accounting and Auditing	3,200.00	3,200.00
51431	Professional Services (Legal Counsel)	5,000.00	1,285.00
51931	Professional Services (Other)	2,000.00	--
51940	Travel and Per Diem	7,000.00	3,766.41
51941	Communication Services	800.00	221.36
51942	Transportation	180.00	53.91
51943	Utility Services (Town Hall)	1,950.00	984.17
51945	Insurance	2,800.00	2,251.00
51946	Repairs & Maintenance	750.00	183.44
51949	Other Current Charges	500.00	321.22
51951	Office Supplies	900.00	542.95
51952	Operating Supplies	1,850.00	880.43
51954	Books, Publications, Subscriptions & Memberships	1,150.00	895.55
51964	Capital Outlay (Copier-\$965 Scanner-\$300 Mower-\$300)	1,565.00	902.02
51982	Aid to Private Organizations	400.00	--
52100	Law Enforcement	6,600.00	3,300.00
52210	Fire Control (General Fund)	37,900.00	29,870.94
52220	Fire Control (Federal Revenue Sharing)	5,000.00	5,145.00
54112	Salaries and Wages (Streets)	1,105.00	391.00

TOWN OF CINCO BAYOU EXPENDITURES FOR OCTOBER 1983 THROUGH MARCH, 1984

ACCOUNT	TITLE	FYE 84 BUDGET	OCT THRU MAR
54143	Utility Service	\$ 5,500.00	\$ 2,171.58
54146	Repairs and Maintenance	7,000.00	213.66
54152	Operating Supplies	200.00	27.60
54153	Road Materials and Supplies	500.00	--
57212	Salaries and Wages (Parks and Recreation)	5,100.00	1,028.50
57243	Utilities (Elec/Water/Garbage)	1,000.00	331.05
57246	Repairs and Maintenance	1,200.00	164.16
57252	Operating Supplies	500.00	126.67
57400	Special Events	<u>420.00</u>	<u>302.11</u>
	TOTAL EXPENDITURES	\$134,424.00	\$ 72,941.43

TOWN OF CINCO BAYOU REVENUES FOR OCTOBER 1983 THROUGH MARCH, 1984

ACCOUNT	TITLE	FYE 84 BUDGET	OCT THRU MAR
311100	Ad Valorem Taxes: Current	\$ 32,600.00	\$ 28,836.17
	<u>Gulf Power Company</u>		
313100	Franchise Fee	16,000.00	8,501.82
314100	Utility Service Tax	13,000.00	6,827.98
	<u>Centel</u>		
313200	Franchise Fee	2,000.00	638.35
314200	Utility Service Tax	7,000.00	2,090.15
	<u>Okaloosa Gas District</u>		
313400	Franchise Fee	1,300.00	1,721.35
314400	Utility Service	3,500.00	2,186.45
313900	Warner Cable: Franchise Fee	400.00	--
314300	Fort Walton Beach(Water)Utility Service Tax	2,400.00	1,231.73
321100	Cinco Bayou Occupational Licenses	6,500.00	6,936.25
332100	Federal Revenue Sharing	5,000.00	1,234.00
	<u>State Shared Revenue</u>		
335110	Cigarette Tax	850.00	455.90
335120	Revenue Sharing Proceeds	21,997.00	10,998.00
335140	Mobile Home Licenses	100.00	192.50
335150	Alcoholic Beverage Licenses	478.00	478.80
335180	Local Government - Half-Cent Sales Tax	5,200.00	2,273.02
338100	Road and Bridge Tax - Okaloosa County	2,000.00	2,033.54
338200	Occupational Licenses - Okaloosa County	100.00	41.58
351100	Municipal Fines - Okaloosa County	1,500.00	1,161.00
361110	Barnett Bank(Interest-CD's, MM, & Savings)	7,500.00	5,463.33
361140	1st Mutual (Interest-CD's, MM)	4,500.00	610.83
369000	Other Miscellaneous Revenues	500.00	1,424.75
	TOTAL	\$ 134,425.00	\$ 85,337.50

31 0184 MB

Andrea Development Corporation

P.O. BOX 976
SHALIMAR, FLORIDA 32579

R. L. BEUKENKAMP
PRESIDENT

March 20, 1984

Cinco Bayou Town Council
Cinco Bayou Township
Kelly Avenue
Fort Walton Beach, FL 32548

Gentlemen:

Over the last year we have been analyzing the buyer resistance to our townhomes at Kidd Bayou Oaks on Kidd Street.

One of the greatest objections has been the lack of parking for each unit. We currently have a one-car garage plus an individual driveway for each unit. As most people tell us that they would use the garage for storage rather than cars, this leaves one uncovered parking spot.

We have marked off an area outside the fence for overflow parking, but that is also uncovered. If we were able to construct covered and secured parking in that area, we feel that the primary objection of our potential homebuyers would be solved.

Therefore, we respectfully request the Town of Cinco Bayou to consider vacating the right-of-way, and to approve a variance waiving the set back requirements, as shown on the attached drawing, subject to any easements of record.

Please advise if this matter may be addressed at your next meeting.

Thank you.

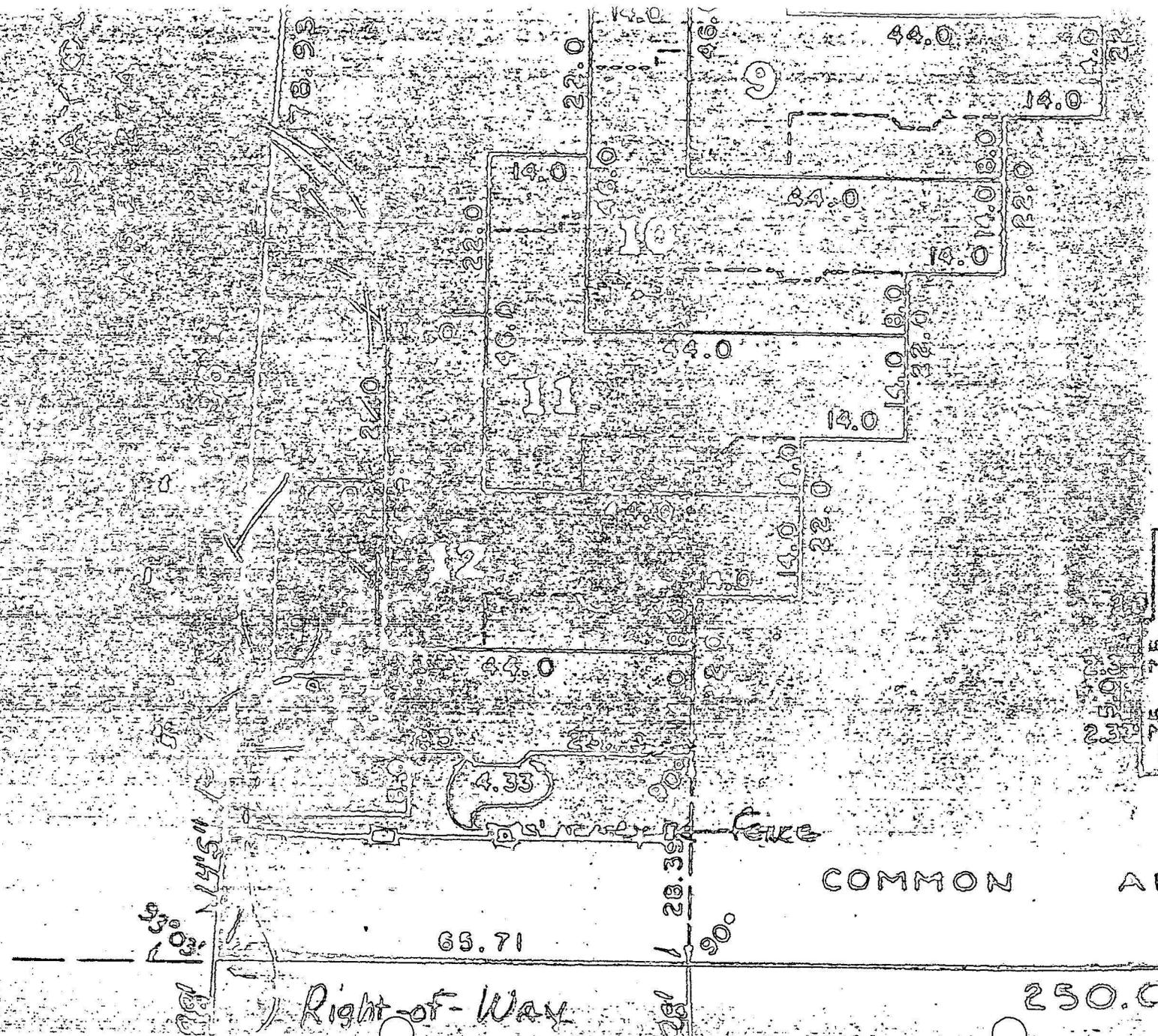
Sincerely,



R. L. Beukenkamp
President

RLB/jd

Attachment



Right-of-Way

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BOARD OF ADJUSTMENT
TOWN OF CINCO BAYOU
MARCH 21, 1984

The meeting was called to order by Chairman Howard at 7:33 P. M.

Roll Call Present: Mr. Paul Howard Mr. Howard Kelley
Mrs. Pat Laginess Secretary Borchik
Mr. W. E. Overstreet

Absent: Mrs. Ruth Usrey

Also Present: Mr. L. M. Plaster Mr. P. Babiak
Mrs. J. Plaster Mr. T. Green
Mr. C. Laginess Mr. M. Henley

MINUTES - Chairman Howard asked the Secretary to read the minutes of the February 27, 1984 meeting. Motion to accept the minutes as read made by Mr. Kelley, seconded by Mr. Overstreet and carried unanimously.

REQUEST FOR VARIANCE - MR. L. M. PLASTER. Chairman Howard asked Mr. Plaster to present his request for the variance and describe his project. Mr. Plaster explained that his project was quite similar to the Mooring's proposal for the same plat, however he intends to build only 5 units, a duplex and a triplex. The normal side yard requirements would be observed between the present units and the duplex and between the duplex and the triplex. The variance was required where the Townhouse units abut each other. Following a short discussion, Mr. Overstreet moved to grant a "0" foot lot line variance where units abut each other, seconded by Mr. Kelley. The motion was unanimously approved.

"0" FOOT LOT LINE VARIANCE - Mrs. Laginess questioned the need for the "0" foot lot line variance for Townhouses and suggested that the Town Council might consider an amendment to the Zoning Ordinance that would allow a "0" foot lot line for Townhouses where units abut. The Secretary was asked to make a copy of these minutes and this recommendation available to the Town Council for their action as necessary.

There being no further business, the meeting was adjourned at 7:40 PM.



PAUL HOWARD, Chairman

ATTEST:



ALBERT S. BORCHIK, JR. Secretary

NOTE: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part, and is on file in the office of the Town Clerk.

PROPOSED SIGN ORDINANCE DRAFT

SECTION I

No outdoor sign (also herein referred to a sign) shall be erected or maintained except in accordance with the provisions of this ordinance, with State of Florida Electric Code and with the Standard Building Code as adopted by the Town of Cinco Bayou where applicable, the most strict interpretation will be applied.

SECTION II

A. Sign Definition

An outdoor sign is defined as any device, structure, fixture or placard using graphics, symbols, and or written copy designed specifically for the purpose of advertising or identifying any establishments, products, goods, or services, and does not include official traffic signs or signals, information signs erected by a Governmental agency, and temporary signs indicating danger, which are exempt from this ordinance.

B. Building Permit and Inspection

No outdoor^{sign} shall hereafter be moved, erected, constructed, or altered except as provided in this code until after permit for the same has been issued by Town of Cinco Bayou, and the fee paid as specified. All signs may be inspected by the Town Clerk or his authorized representative as required. Such inspections shall be carried out during business hours unless an emergency exists

C. Application for Permit

Application for permit for erection, alteration, or relocation of a sign shall be made to and provided by Town Clerk, Town of Cinco Bayou.

D. Application for Variance

A request for a variance to the sign ordinance will be made to the Board of Adjustment. It shall be the responsibility of the applicant to demonstrate,

1. That special conditions and circumstances exist which are peculiar to the sign involved and which are not applicable to the other similar signs;
2. That the special conditions and circumstances do not result from the actions of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other similar signs.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the sign.

E. Exempt Signs

The following signs shall be exempt from the provisions of these regulations and may be erected or constructed without a permit but in accordance with State Electric Code and Building Code as adopted by the Town of Cinco Bayou;

1. Changing copy on a bulletin board, poster board, display encasement, or marquee;
2. National flags, and flags of the United States political

subdivisions and flags of civic, charitable, fraternal and welfare organizations;

3. Political signs which are displayed only during the period of an election campaign. All such signs shall be removed within (5) days after the election. Political signs on residential properties shall not exceed six (6) square feet in area, and commercial properties shall not exceed thirty-two (32) square feet in area. Use of political signs placed on right of way is prohibited.
4. Real estate signs, temporary in nature, non-illuminated, not exceeding nine (9) square feet in area for residential properties and thirty-two (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 thirty (30) days following closing. Residential real estate signs shall not be placed within three (3) feet of right of way. Commercial real estate signs shall not be placed within ten (10) feet of right of way;
5. Church bulletin boards, not exceeding twenty four (24) square feet in area;
6. A non illuminated sign identifying the name and or address or management of a multi-family structure, not exceeding sixteen (16) square feet in area;
7. A non-illuminated sign identifying a subdivision or housing project containing not less than ten (10) dwelling units within two (2) or more structures, not

exceeding thirty-two (32) square feet in area.

8. A non-illuminated sign identifying permitted public and semi-public uses, not exceeding sixteen (16) square feet in area;
9. Community, civic and fraternal organizations sponsoring public service events shall be allowed a reasonable number of temporary signs designed to inform the public of such events;
10. A sign advertising the price of gasoline or automotive service prices not exceeding one sign for each frontage provided;
 - A. The sign must be attached to a principal building or to the structure of a permitted detached sign or to a gas pump;
 - B. The size of any pricing sign attached to the principal building, or to a permitted detached sign shall not exceed twelve (12) square feet per sign face or aggregate area of twenty-four (24) square feet.
 - C. 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 (3) square feet in area and six (6) square feet in total area.
11. Signs advising the acceptance of credit cards not exceeding two (2) square feet and which are attached to buildings or permitted freestanding signs;
12. On premise menu signs at fast food restaurant ordering

stations not in excess of twenty (20) square feet adjacent to fast food restaurants.

F. Appeals

Any decision rendered by inspection in denying a permit or in alleging a violation of this ordinance may be appealed to the Board of Adjustment.

SECTION III. GENERAL RESTRICTION ON NUMBER OF SIGNS

1. Unless otherwise specified, each individual business, establishment, or institution will be allowed a total of two (2) outdoor signs, but not more than one each of the following types of signs on premises; wall sign, projecting sign, marquee sign, awning sign, and free standing sign.
2. The following additional signs are allowed:
 - a. 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.
 - b. Where a business has more than 100 feet of frontage, an additional sign of any type will be allowed.
 - c. Directional/Informational Signs.
3. Frontage is defined as the length of the property line of any one premise along each public street on which it borders.

SECTION IV. NON-CONFORMING SIGNS

A. NON-CONFORMING SIGN DEFINITION

A non-conforming 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 non-conforming permit or variance has been issued;
3. A sign in existence prior to the adoption of this ordinance which does not conform to the provisions of this ordinance.

B. A non-conforming sign may be continued in use after the effective date of this ordinance, provided it meets the sign building, electrical and traffic codes of the City of Fort Walton Beach, or is brought into conformity with these codes within thirty (30) days after notification of violations until:

1. If the sign violated the then existing ordinance at the time of its installation, February 1, 1983;
2. For non-portable signs, January 1, 1989;
3. For portable signs, January 1, 1985.

C. NON-CONFORMING SIGN RESTRICTIONS

A non-conforming sign shall not be;

1. Replaced with another non-conforming sign;
2. Relocated unless relocation will bring the sign into conformity;
3. Modified in any way that would increase the degree of non-conformity;
4. Structurally altered so as to extend its useful life;
5. Re-established after damage or destruction if the damage

or destruction exceeds 50% of the sign's current appraised value.

The above restrictions on non-conforming signs do not preclude normal repair, maintenance, and upkeep.

D. NON-CONFORMITY BY ANNEXATION

A sign made non-conforming due to annexation into the City after the effective date of this ordinance shall have the same provisions of this section applied.

SECTION V. ENFORCEMENT AND PENALTY FOR VIOLATION

In case any sign shall be installed, erected, or constructed in violation of any of the terms of this Code; or should any sign become insecure or in danger of falling, or otherwise unsafe in the opinion of the Building Inspector, the City Manager or herein designated and authorized to enforce this Code. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this section of the Code shall be fined not more than five hundred dollars (\$500.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION VI. TYPES OF SIGNS, DEFINITIONS, REGULATIONS, RESTRICTIONS, PERMIT REQUIREMENTS

A. ABANDONED SIGN

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 removed by the City at the property owner's expense following ten (10) days written notice to the property owner.

B. AWNING SIGN

An awning sign is defined as a sign painted on, printed on, or attached flat against the surface of an awning (See Marquee) Permit and fee required.

C. BANNER SIGN

A banner sign is defined as a sign made of fabric or any non-rigid material, string pennants, festoons, 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 thirty (30) days. Permit required. No fee.

D. FREESTANDING SIGN

A freestanding sign shall be defined as a sign supported by poles or braces in the ground and not attached to any building.

1. In calculating the area of a freestanding or projecting sign, only the largest face of any double or multi-face 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:
 - a. The area enclosing the perimeter of each cabinet or module shall be totaled to determine total area.

Architectural embellishments such as pole covers framing, decorative roofing, etc., shall not be included if they do not bear advertising copy.

b. If the sign is composed of more than two sign cabinets or modules the total of all cabinets and/or modules shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of sign measurements if they do not bear any advertising copy.

(1) A cabinet is defined as a sign structure consisting of sign face or faces, backs and edging as well as electrical equipment and gear; the whole comprising an intricate structure. Also called sign casing, sign can, sign frame.

(2) A module is defined as panels of identical size and shape, performed for rapid construction or set up on the actual building site.

c. For each linear foot of frontage one (1) 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. Permit and fee required.

E. 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, 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 a flashing sign which contains an intermittent or sequential flashing light source is prohibited.

F. MARQUEE SIGN

A projecting sign attached to or hung from a marquee and said marquee shall be known to mean 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. One marquee sign 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 (10) square feet of sign per building story to a maximum of 100 square feet.

G. MISCELLANEOUS SIGNS PROHIBITED

The following miscellaneous signs are prohibited:

1. A sign on public right-of-way, sidewalks, parkways, public property, parks, curbs, trees, fences, public benches, street lights, and telephone poles is prohibited, except for those placed by appropriate governmental authorities. This sign 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 City of Fort Walton Beach are prohibited.

3. Signs imitating or resembling official traffic or government signs are prohibited.

H. OFF-PREMISE SIGN

An off premise sign is defined as a sign structure which advertises or directs to an establishment, business, merchandise service, commodity, attraction or entertainment sold, produced, manufactured or furnished at a place other than the property on which said 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.

I. NATURAL OBJECTS

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

J. OFF-PREMISE SIGN AREA

The area around off-premise signs shall be kept clean, all scrub-brush, tall grass and trash shall be cleared away.

K. PORTABLE SIGN

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, or sandwich signs. This type of sign is prohibited.

L. PROJECTING SIGN

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 twelve (12) inches. One projecting sign 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 (10) square feet per building story to a maximum of 100 square feet. Permit and fee required. For definition of frontage see Section 31.

M. ROOF SIGN

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.

N. UNDER-CANOPY SIGN

An under-canopy sign is defined as a sign suspended beneath a canopy, ceiling, roof, or marquee. Sign area shall be limited to twelve (12) square feet. Permit and fee required.

O. WALL SIGN

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 permitted with any other type of sign. Wall sign shall not exceed a total area of two (2) 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(s) which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added 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. Permit and fee required.

P. OBSCENE, INDECENT OR IMMORAL SIGN

A sign containing any statement, word, character or illustrations of an obscene, indecent, or immoral nature is prohibited.

Q. TEMPORARY SIGN

An outdoor temporary sign is prohibited.

R. READERBOARD OR PRICE SIGN

A readerboard or price sign with movable copy is allowed provided the area of said 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.

S. SIGN MAINTENANCE

All signs must be legible, well painted, in good repair, properly maintained and sturdy enough to permit those persons working on the signs to do so in safety. Recommended practice; Construction, installation, maintenance and repair of signs should be by a licensed signmaker only.

SECTION VII. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Code or its application to any person or circumstances is held invalid by the decision of any court of competent jurisdiction, the remainder of this Code or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.



City of Holmes Beach

March 19, 1984

3/22/84

TO: Small Cities
FROM: Charlotte Long *CL*
SUBJECT: Municipal Sunset

BE ON THE ALERT! The staff of the House Select Committee on Growth Management, chaired by Representative Sam Bell, has been directed to draft a bill which would consolidate cities with under 3,000 population (with no adjustment for tourist population) into its surrounding incorporated cities. In initial discussions cities of under 5,000 population were considered municipal sunset.

If this bill on its own does not get adequate support it is possible legislation could be "trailed" to an existing bill.

Contact your legislative delegations opposing any such municipal sunset without benefit of dual referendum.