

TOWN OF CINCO BAYOU  
COUNCIL AS COMMITTEE MEETING  
MAY 14, 1984

The Town Council as Committee Meeting of the Town of Cinco Bayou was called to order by Mayor Usrey at 7:02 P.M.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Usrey requested the Clerk call the roll.

ROLL CALL

Present: Mayor Usrey  
Councilman Davis  
Councilman Johnston  
Councilwoman Kelley  
Councilman Laginess  
Councilman Perry

Also Present: Attorney Powell      Joseph Gagnon  
Mike Plaster                      Phil Babiak  
Jo Ann Plaster                      Clerk Borchik  
Dick Gage                              Secretary Knox  
John Brooks

MINUTES - Mayor Usrey asked the Council to review the minutes of April 9, and April 16, 1984 Town Council Meetings for approval at the next council meeting.

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

REGULAR BUSINESS

1. Boat Dock Building Permit - Moorings I - Mr. John Brooks presented the revised plans for the boat docks for the Moorings. The proposed boat docks will be constructed within the perimeter of the submerged land lease and will consist of 7 boat slips instead of the 10 originally planned. After a brief discussion, Mayor Usrey advised Mr. Brooks that this request will be brought before the Council at next week's meeting.

2. Building Permit - Moorings II - Mr. Plaster - Mr. Plaster presented the plans and specifications for the Moorings II, a duplex and a triplex to be constructed adjacent to Moorings I on Lots 13 and 14, Block 1 Cinco Bayou Subdivision. During the discussion on this proposal, Mr. Plaster indicated that the restrictive covenants on record for Moorings I will apply to Moorings II. After a brief discussion, Mayor Usrey advised Mr. Plaster that this request will be brought before the Council at next week's meeting.

3. Sewer - Delicia's Bakery - Mr. Gagnon - Mr. Gagnon asked that the Council allow the continued use of the septic tank for Delicia's Bakery thru September 1, 1984, the planned date for closing the business. After a discussion, Mayor Usrey advised Mr. Gagnon that this item will be brought before the Council at next week's meeting.

4. Sign Ordinance - Councilman Laginess - Councilman Laginess recommended that the proposed sign ordinance draft be turned over to the Clerk and the Attorney for any corrections, additions or deletions needed to make it an ordinance.

5. Code of Ordinance - Review and Update - Mayor Usrey advised the Council that two letters have been received from the Municipal Code Corporation concerning review and updating of the Town's Code of Ordinances. The basic supplement will cost \$1,950 and the review of the total code against State Statutes will cost \$750. The Clerk advised that the supplement would include all ordinances adopted after Ordinance No. 65. After a brief discussion, Mayor Usrey advised that this matter would be voted on at next week's meeting.

6. Townhouse Lot Line Amendment - Mayor Usrey read the proposed amendment concerning "0" lot lines for Townhouses. After a brief discussion, Mayor Usrey advised that this matter will be voted on at next week's meeting.

7. Chamber of Commerce Membership - Mayor Usrey advised the Council that the Chamber of Commerce membership is due for renewal. The annual membership fee is \$125.00. The Council will act on this item during the regular council 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. No report
4. Waterfront - Councilman Perry. Councilman Perry advised the Council that the construction of the boat ramp has been completed.
5. Civil Defense - Councilman Perry. No report
6. Neighborhood Watch - Councilman Laginess. Councilman Laginess advised the Council that there had been numerous break-ins in Town within the last month.

Special Committees

1. Bicycle Path - Councilman Johnston - Councilman Johnston advised the Council that he had received a letter from Mr. Ziegler, Metropolitan Planning Organization, advising him of a meeting in the near future concerning the bicycle program.

2. Building Codes - Councilman Laginess. No report

3. Sign Ordinance - Councilman Laginess. No report

4. Comprehensive Plan Review - Councilman Perry. Mayor Usrey advised the Council that the next Comprehensive Plan Meeting will be Monday, June 4, 1984 at 7 p.m.

5. Sea Way Boat Ramp - Councilman Perry. See comments under Standing Committee, Item #4.

6. TV Cable Franchise & Rate Increase - Councilman Davis. No report.

7. Glenwood Park - Councilwoman Kelley. No report

Mayor Usrey expressed concern over the mixed use of Laguna Park's Beach by both boaters and swimmers. The exposed sewer pipe was also discussed and the Clerk was asked to notify the County Water and Sewer Department in writing of the situation and the potential for injury to boaters and swimmers.

ATTORNEY'S REPORT. None

CLERK'S REPORT

1. The Clerk advised the Council that he had checked with Boyet concerning the rental of a portable toilet for Laguna Park. The Clerk advised that the charge would be \$40 for a four-day weekend, or \$56.50 a month with one service. Each additional service would be \$7.50.

2. The Clerk advised the Council that he had hired Mr. Larry Dubrock as Town Maintenance Man and he will begin tomorrow.

MAYOR'S ANNOUNCEMENTS. None

There being no further business, the meeting was adjourned at 8:33 P.M.

  
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MAYOR

Attest:

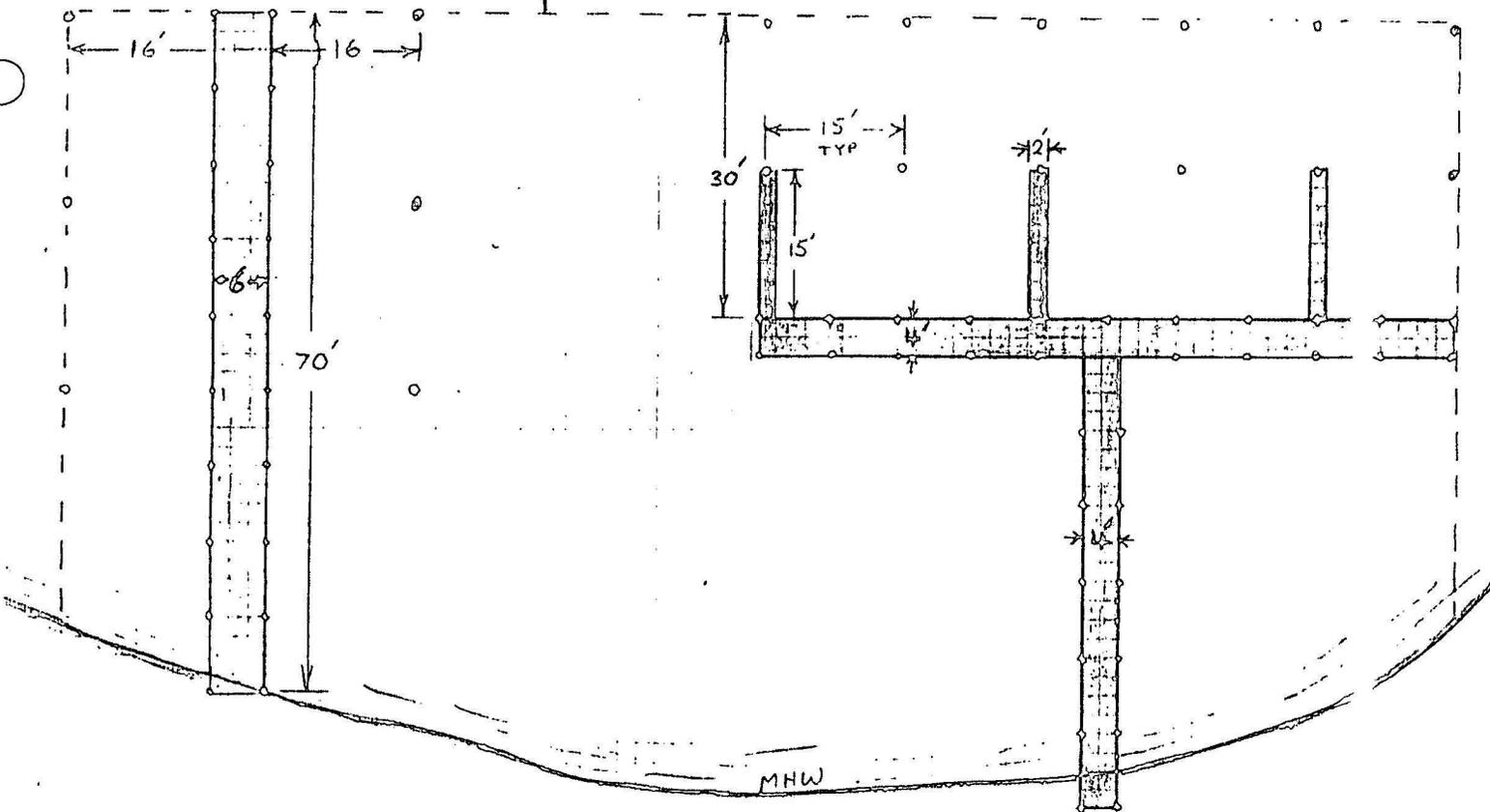
  
\_\_\_\_\_  
TOWN CLERK

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.

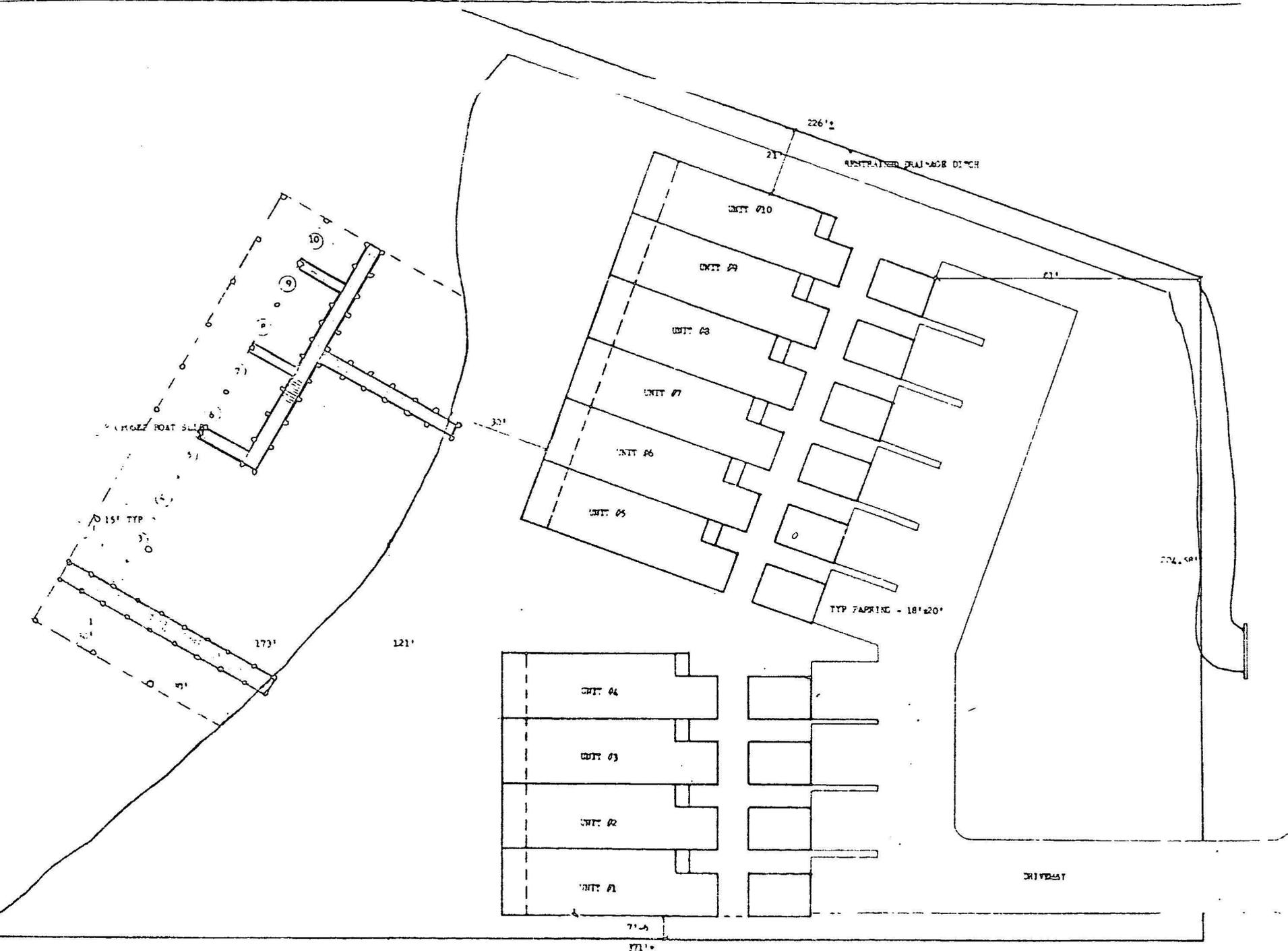
PROPOSED BOAT SLIPS  
MOORINGS

CINCO  
BAYOU

DNR LEASE AREA



SCALE 1:20  
11 MAY 1984



NOTES:  
 1. LOCATE FOUNDATION 71-10 FROM WESTERN PROPERTY LINE.  
 2. UNITS 01 & 02. BLOCK 1. (SEE PLAN)

NOTES:  
 1. LOCATE FOUNDATION 71-10 FROM WESTERN PROPERTY LINE.  
 2. UNITS 01 & 02. BLOCK 1. (SEE PLAN)

SCALE OF THE DRAWING: 1" = 10'

April 27, 1984

4/27/84 *MSJ*

Town of Cinco Bayou  
35 Kelly Avenue  
Fort Walton Beach, FL 32548

ATTN: Maj. Usrey

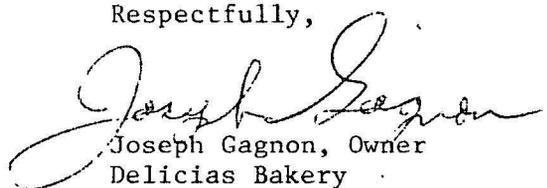
I am aware of letter to Mr. Tribble, your office dated April 18, 1984, concerning use of septic tank by my bakery, Delicias Bakery.

For information purposes, business has been very slow at the bakery. Mrs. Gagnon and myself decided better than a month ago to close Delicias Bakery effective September 1, 1984.

We have been on site there since before 1970. Sorry, but we were unaware the ordinance requiring tap on to sewer. The cost of \$300.00 tap on fee and most probably \$100.00 additional to connect on at this time would create a heavy cash flow problem on a business that is doing poorly and is scheduled to close September 1, 1984.

I hereby respectfully request that I be allowed to continue my present operation until September 1, 1984, at which time Delicias Bakery shall close.

Respectfully,

  
Joseph Gagnon, Owner  
Delicias Bakery

JG/tlw

SECTION I

No outdoor sign (also herein referred to<sup>as</sup> 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 placecard 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<sup>sign</sup> 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 improvement 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 is 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 cover 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 signs 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

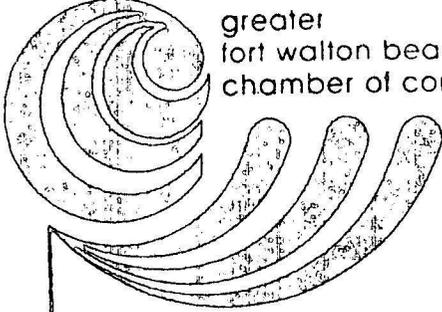
If any section, subsection, sentence, clause, or phrase of this Code or its application to any person or circumstances is held invalid by the decision of any court of competent jurisdiction the remainder of this Code or the application of the provision to other persons or circumstances is in effect and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

TOWNHOUSE LOT LINE AMENDMENT

Propose the following additions be made to Section 5, R-1 Multiple-Family Dwelling District:

(d) Front yard required: add: For Townhouses there shall be a front yard depth of not less than twenty(20) feet.

(e) Side yard required: add: Townhouses shall be required to have a ten (10) foot side yard on each side of each complex or structure. Zero (0) lot line construction is permitted for interior townhouse units.



greater  
fort walton beach, florida  
chamber of commerce

4/30/84 *WFB*

STATEMENT

Town of Cinco Bayou

MEMBERSHIP PERIOD COVERED:

July 1984 - July 1985

Please complete attached form and submit  
your Fair Share dues.

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Use the bottom portion of this form to  
compute your Fair Share dues and please  
return same with your check.

My Fair Share Dues are: \$ \_\_\_\_\_.

THANK YOU FOR YOUR CONTINUED SUPPORT  
OF YOUR CHAMBER OF COMMERCE!

Town of Cinco Bayou

P.O. Drawer 640, Fort Walton Beach Florida, 32549 • 904/244-8191