

ORDINANCE NO. 91

AN ORDINANCE REGULATING THE PERMITTING, ERECTION, CONSTRUCTION, REPAIR, ALTERATION, LOCATION, RESTRICTIONS OF AND MAINTENANCE OF SIGNS WITHIN THE TOWN OF CINCO BAYOU, FLORIDA, PROVIDING FOR PURPOSE, PROVIDING FOR REPEAL OF SECTIONS IN CONFLICT WITH THIS ORDINANCE, PROVIDING GENERAL PROHIBITIONS AND APPLICATIONS, PROVIDING GENERAL RESTRICTIONS ON NUMBER OF SIGNS, PROVIDING FOR ENFORCEMENT AND PENALTY FOR VIOLATION, PROVIDING FOR TYPES OF SIGNS, DEFINITIONS, REGULATIONS, INSPECTIONS, AND PERMIT REQUIREMENTS, PROVIDING FOR SEVERABILITY: PROVIDING THE EFFECTIVE DATE HEREOF:

WHEREAS the Town Council of the Town of Cinco Bayou, Florida is responsible for the health, safety and general welfare of its citizenry and of the community, and

WHEREAS the Town Council has determined that the following facts do exist:

1. That the Town of Cinco Bayou, Florida is an incorporated municipality the residents of which derive their incomes and support from a variety of sources.
2. The Council considers the appearance of the Town, and an unrestricted view of the area's natural beauty, to contribute to the general welfare of the Town.
3. That the businesses, services, and professions which offer themselves to the public and to tourists in general find it necessary to communicate their business or service to the public and to visitors to the area, frequently by means of outdoor sign advertising.
4. That the increase in the number, size and height of signs in the Town of Cinco Bayou lends to a garish and disorganized appearance of the Town which Council considers to be aesthetically unacceptable and dangerous to motorists and pedestrians.
5. That the Town Council is of the opinion that signs can be regulated and certain kinds of signs prohibited without substantial impact on the businesses which use those signs, so long as all owners within the Town are subjected to the same regulations and restrictions.

Therefore, considering all of the foregoing, it is ORDAINED by the Town Council of the Town of Cinco Bayou, Florida as follows:

SECTION 1. PURPOSE

The objective of this ordinance is to establish requirements

which promote convenience, safety, property values and aesthetics while granting equal protection and fairness to all property owners.

A. Convenience. This ordinance 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.

B. Safety. 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.

C. Property Values and Aesthetics. This ordinance is intended to enhance property values by enacting and enforcing ordinances which create a more attractive business and residential climate and make the Town of Cinco Bayou a more desirable town in which to visit, trade, work and live.

SECTION 2. CODE SECTIONS REPEALED

The following paragraphs or sentences as indicated are hereby repealed.

A. Section 6, Appendix A Zoning, Paragraph (a)(21) delete last sentence beginning "All advertising signs..."

B. Section 7, Appendix A Zoning, Paragraph (a)(12) delete last phrase of first sentence beginning "and not to exceed..."

SECTION 3 GENERAL PROHIBITION AND APPLICATION

No outdoor sign (also herein referred to as "Sign") shall be erected or maintained except in accordance with the provisions of this ordinance, with Article 600 of the National Electric Code and with chapter XXIII of the Standard Building Code as adopted by the Town of Cinco Bayou. In the event of a conflict between this ordinance, the Building Code, or the Electric Code, the most strict interpretation will be applied.

SECTION 4. GENERAL REGULATIONS

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 the Town of Cinco Bayou. All signs may be inspected at intervals as required and 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 Town 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.

5. That literal interpretation of the provisions of the code would deprive the applicant of rights commonly enjoyed by other similar signs under the terms of the code and would work unnecessary and undue hardship on the applicant;
6. That the grant of the variance will be in harmony with the general intent and purpose of the code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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 (24) hours 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 restaurants ordering stations not in excess of twenty (20) square feet

adjacent to fast food restaurants.

13. Temporary non-illuminated sign, not exceeding thirty-two (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 issuance of the certificate of occupancy or upon completion of construction;
14. Non-illuminated signs, not exceeding six (6) square feet in area with letters not exceeding eight (8) inches in height, painted, stamped, perforated, or stitched on the surface area of a permitted awning, canopy, roller curtain, or umbrella;
15. Symbolic flag and award flag of an institution or business (house flag), not exceeding one for each fifty (50) feet of street frontage;
16. Weather flags, for providing information on weather conditions, not exceeding one (1) set for each premise;
17. Temporary decorative flags and bunting for conventions and commemorations;
18. A nameplate, not exceeding one (1) for each street frontage on the premises and not exceeding two (2) square feet in area to identify the owner or occupant of a dwelling or building;
19. Private directional sign indicating a direction to a place or facility on the premises not exceeding three and one-half (3½) square feet in area and not exceeding three (3) feet in height;
20. 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;
21. Non-illuminating paper, tape or painted signs in windows not exceeding twenty (20) percent of the total glass of the window in which they are placed;
22. Supplier, contractor or financial institution signs, temporary in nature, non-illuminated, not exceeding thirty-two (32) square feet in area, advertising

- suppliers, contractors and lenders for construction projects in progress. Said signs may be left in place only until thirty (30) days after project completion;
23. Non-illuminated temporary paper signs in window;
 24. Signs attached to operating vehicles.
 25. Official traffic signs or signals, informational signs erected by a governmental agency, and temporary signs indicating danger.

F. APPEALS

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

SECTION 5. 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 6. 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 Town of Cinco Bayou, 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, August 1, 1984;
2. For non-portable signs, July 1, 1989;
3. For portable signs, July 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 Town after the effective date of this ordinance shall have the same provisions of this section applied.

SECTION 7. 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 Town Council, the Town Clerk 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 8. 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 any 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 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 of 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 Town of Cinco Bayou 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 required.

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 is 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 is 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.

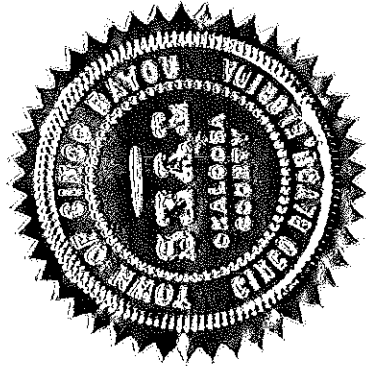
SECTION 9. SEVERABILITY

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.

SECTION 10. EFFECTIVE DATE

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

ADOPTED this 18th day of JUNE, 1984.



APPROVED: _____

MAYOR

Max D. Harvey

ATTEST:

Ann B. Borden
TOWN CLERK