

# Sign Regulations

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From the Bella Vista Zoning Code

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*Revisions:*

- As adopted under Ordinance 2012-12 on September 24, 2012, effective November 9, 2012.



## ARTICLE 200 Definitions

*Insert the following terms, alphabetically, as necessary:*

### **Section 200.02. Definitions of Terms and Uses**

*“Alter”*: To change the size, shape, outline, intent or type of sign.

*“Banner”*: A temporary sign constructed of a lightweight material, such as cloth, canvas, fabric, or flexible plastic, either enclosed in a frame or mounted to allow movement caused by the atmosphere.

*“Billboard”*: A type of freestanding sign which exceeds the height and square footage requirements for the district in which it is located, and which promotes or advertises commodities, goods, or services available at a location other than where the sign is located, including those signs whose message space is available for lease, rent, or hire.

*“District”*: Any section, sections, or divisions of the City of Bella Vista for which the regulations governing the use of land, buildings, and premises, or density, bulk, height, and area of buildings and other structures are uniform.

*“District, Conservation”*: Any land within the city limits of Bella Vista where recreational and open space uses are located. Conservation Districts include P-1 as well as other categories listed in Section 400.02(A)(1)

*“District, Commercial”*: Any land within the city limits of Bella Vista where retail businesses that provide personal goods and services are located. Commercial Districts include C-1, C-2, C-3, and C-4 categories as well as others listed in Section 400.02(A)(4).

*“District, Industrial”*: Any land within the city limits of Bella Vista where light manufacturing, assembly and accessory warehousing for products which present low risk of objectionable environmental influences are located. Industrial Districts include I-1 and I-2 categories as well as others listed in Section 400.02(A)(5).

*“District, Non-Residential”*: Any land within the city limits of Bella Vista where single-family dwellings, town homes, manufactured housing, recreational, and open space uses are not located.

*“District, Residential”*: Any land within the city limits of Bella Vista where single-family dwellings, town homes, and manufactured housing is located. Residential Districts include R-E, R-1, R-2, R-3, and R-MF categories as well as others listed in Section 400.02(A)(3).

*“Lumens”*: A unit of measurement of the amount of brightness that comes from a light source. Lumens define “luminous flux,” which is energy within the range of frequencies perceived as light.

*“Maximum Area”*: Maximum area is the area of one side of the sign, measured as height by width.

*“Measurable Area”*: The area within the outer boundaries of standard geometrical shapes, primarily squares, rectangles, and circles, containing and defined by the extreme reaches of information or graphic parts of the signs.

*“Sign”*: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trade marks by which anything is made known; such as are used to designate an individual, a commodity, a firm, an association, a corporation, a profession, a business, a service, or a product, which are visible from any public street or right-of-way and designed to attract attention. “For Sale” and “For Rent” signs shall be deemed signs within the meaning of this definition, but the term “sign” shall not include the flag, a pennant or insignia of any nation, state, city, or other political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event, that are used for a public purpose in the public interest. A sign shall not include any of the foregoing located within a building, except for illuminated signs within show windows.

Directional, warning or other signs posted by public officials in the course of their public duties are specifically excluded for the purpose of this Ordinance. Neither directional, warning, nor other signs posted by public officials in the course of their public duties, nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this Ordinance.

*“Sign, Animated”*: See Sign, Fluctuating Illumination.

*“Sign, Area”*: The sign area is measured by finding the area of an imaginary rectangle, circle or triangle which fully encloses the sign message, including background and logos but not including supports or braces. For multi-faced signs, sign area shall be computed from the vantage point which gives a view of the largest amount of sign area. If two (2) identical signs are back to back, and are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

*“Sign, Awning”*: A sign which is a part of a fabric or other non-structural awning.

*“Sign, Bulletin”*: A sign erected by a church, school, institution, or public agency on its premises for announcements and is of a temporary nature.

*“Sign, Canopy”*: A sign on or attached to any overhead protective structure that is constructed in such a manner as to allow pedestrians and vehicles to pass under.

*“Sign, Changeable Copy”*: Any sign where letters or numbers displayed on the sign can be changed periodically on the sign to display different messages.

*“Signs, Changeable Copy, Electronic”*: Signs on which alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed surface composed of electronically illuminated or mechanically driven changeable segments.

*“Signs, Changeable Copy, Manual”*: Signs on which alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.

*“Sign, Commercial”*: A sign which directs attention to a service, product, profession, business, or entertainment conducted, sold, or offered on the same lot.

*“Sign, Construction”*: A sign which identifies architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building, and /or the expected completion date. This sign is of a temporary nature.

*“Sign, Directional”*: Any sign that guides one to a specific destination.

*“Sign, Door”*: A sign which is attached to, painted on, or etched onto or into a door. A sign in a window which is part of a door is a door sign for the purposes of this section.

*“Sign, Fluctuating Illumination”*: Signs, or any means of advertising, with the illusion of movement by means of a preprogrammed repetitious sequential switching of action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

*“Sign, Freestanding”*: A sign which is not attached to a building and is securely affixed to the ground by one or more poles or posts with open space between the bottom of the sign and the ground.

*“Sign, Garage Sale”*: Any temporary, promotional sign for the occasional (i.e., not on-going) sale of personal household goods, typically displayed in a residential area or on the property of a non-profit organization.

*“Sign, Height”*: The height of a sign shall be the vertical distance from normal grade to the highest point of the sign. Any berm, filling or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.

*“Sign, Incidental”*: An on-premise sign giving information or direction for the convenience and necessity of the public such as “entrance”, “exit”, “no admittance”, “telephone”, “parking”, etc.

*“Sign, Identification”*: Is a sign that is commercially made, such as: building numbers, addresses, private parking signs, no trespassing signs, or dangerous animal signs.

*“Sign, Marquee”*: A sign used to identify a theater, assembly hall, or auditorium or a sign projecting over the entrance of a building.

*“Sign, Maximum Area”*: Maximum area is the area of one side of the sign, measured as height by width.

*“Sign, Monument”*: Any sign mounted to a solid base support at ground level with no open space between the bottom of the sign and the ground.

*“Sign, Noncommercial”*: A sign which is not an on-premise or off-premise sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

*“Sign, Obsolete”*: A sign relating to or identifying a business or activity which has not been conducted on the premises for six (6) months, or to a transpired election or event, or to a political party or non-profit organization that no longer exists; in addition, the structure for a sign that is not allowed under this ordinance if such structure cannot be used for a legal use or does not comply with the height, size, or other physical requirements of the ordinance, or a sign which has missing or broken panels, broken or damaged supports or frame, or otherwise displays inadequate maintenance, dilapidation, obsolescence or abandonment.

*“Sign, Off-Premise, Off-Site Sign”*: A sign that directs attention to a business, profession, event, entertainment, product, or service that is located, offered or sold somewhere other than on the premises.

*“Sign, On-Premise or On-Site”*: A sign which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.

*“Sign, Political”*: A sign that is for the purpose of advertising a particular political person, position, and/or election.

*“Sign, Portable”*: Any sign not permanently attached to the ground or other permanent structure, including but not limited to; signs with attached wheels; converted to A- or T- frame signs; menu and sandwich board signs; gas, air or hot air filled displays; signs attached or painted on vehicles parked and visible from the right-of-way, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business.

*“Sign, Projecting”*: A sign forming an angle with a building, which extends from the building, and is supported by it.

*“Sign, Public”*: A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.

*“Sign, Roof”*: A sign lower than the roof peak of the building to which it is attached. Signs attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered wall signs. Signs on mansard or canopy roofs are considered wall signs.

*“Sign, Suspended”*: A sign which is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane.

*“Sign, Temporary”*: Any sign which is intended for temporary use or which is not permanently mounted and is intended for a designated period in time.

*“Sign, Wall”*: Any sign, other than a projecting sign or a banner sign, which is attached to or painted on any wall of any building. This definition shall not include freestanding walls. A sign attached to the lower slope of a mansard or canopy roof, or a sign affixed to or forming an awning or a canopy, shall be considered a wall sign for purposes of this ordinance, notwithstanding the fact that certain portions of such a sign may project more than twelve (12) inches. For purposes of this section only, a “wall” shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building.

*“Sign, Windblown”*: Any flag, pennant, balloon, spinner, or blimp.

*“Sign, Window”*: Any sign which is not a temporary sign and which is attached to, painted on or etched into a window or which is displayed within twelve (12) inches of the window and is legible from outside the window.

*“Street Frontage”*: Street frontage shall be considered separately for each street the lot fronts, measured by property lines.

## **ARTICLE 300 Administration**

## **Section 300.16. Sign Enforcement**

(A) *Unlawful Activity.* It shall be unlawful for any person to place, erect, repair, replace, alter, or relocate a sign in the City of Bella Vista except in accordance with the provisions of this Article 1000 of this Code. Unless exempted herein, a sign permit must be obtained from the Planning and Code Enforcement Department before erection, relocation, or altering any sign in the City of Bella Vista.

(B) *Administrator.*

(1) The Planning and Code Enforcement Department is authorized to process applications for permits and variances, and enforce and carry out all provisions of this ordinance.

(2) The Department is further authorized to establish procedures consistent with this function.

(3) Department personnel are empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections and appurtenances to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

(C) *Permits.*

(1) *Application for a Sign Permit.*

(a) *Application.* The applicant shall complete the Sign Permit Application provided by the Planning and Code Enforcement Department.

(b) *Fee.* The applicant shall pay the fee designated by the City Council at time of application.

(c) *Drawings.* The applicant shall provide a scaled drawing of the sign including sign height, width, depth, area, design, content, color, dimensions, and materials composed of, as well as the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window or the ground.

(d) *Site Plan and Landscaping.* The applicant shall provide a scaled site plan showing the location of the sign on the property or building including street right-of-way and property lines. For wall signs, building face shall be dimensioned.

(e) *Materials List.* The applicant shall provide a list of materials used to construct the sign.

(f) *Plan.* A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

(g) *Additional.* Any additional information needed by the Planning and Code Enforcement Department.

(2) *Review and Approval.* After a review of the application by the Planning and Code Enforcement Department shows that the sign meets all requirements including zoning, electrical, and the

Arkansas Fire Prevention Code requirements, the applicant shall receive a permit to erect or install the approved sign(s).

- (3) *Expiration.* Permanent sign permits issued under the provisions of Article 1000 shall become null and void if construction or installation authorized by the permit is not commenced within thirty (30) days from the date of such permit or if the construction or installation is abandoned for a period of thirty (30) days at any time after the construction or installation is commenced. Before any recommencement of construction or installation can begin and be recommended, a permit extension fee shall be paid or a new permit shall be secured for the unfinished portion of the installation as required by the Planning and Code Enforcement Department.
- (4) *Exemptions from Permit Fees.* The Mayor may exempt all or part of the applicable permit fees if the reduction or waiver would serve the public interest or be beneficial to the City as a whole.
- (5) *Responsibilities of Permit Applicants.*
  - (a) It shall be the responsibility of the permit applicant or his authorized representative to give notice to the Department when an installation is ready for inspection. All work must be ready for inspection before the inspection is requested.
  - (b) It shall be the responsibility of the permit applicant or his authorized representative to provide ready access to the premises where the requested inspection is to be made.
- (6) *Certificate of Completion.* All permanent signs shall be issued a Certificate of Completion upon a final inspection by the Department reveals that all approved plans have been followed and any conditions of the permit have been completed.
- (7) *Extension of Permit.* The Director of Planning and Code Enforcement may grant one (1) thirty (30) day extension to the sign permit.
- (8) *Successors.* Valid sign permits may be assignable to a successor of the business provided the sign is in conformance with current ordinances.
- (9) *Minor Alterations.* Any alteration in sign locations resulting from unexpected conditions on site must be approved by the Planning and Code Enforcement Department.
- (10) *Revocation of Permits.* The Director of Planning and Code Enforcement or designee may revoke a sign permit if a sign is found to be in violation of this ordinance.

(D) *Inspections and Violations.*

- (1) If, upon inspection, a violation of the sign ordinance exists, the Department shall issue a written notice or administrative order to the alleged violator. The notice or order shall specify those sections of Article 1000 which the individual may be in violation of, shall state the manner in which to correct the violation, and shall state the timeframe in which to correct the violation.

- (2) If, upon inspection, the Department finds that a temporary sign is obsolete, abandoned or structurally, materially, or electrically defective in such a way that it endangers the public or is in violation of the provisions of Article 1000, the Department shall issue a written order to the owner of the sign and occupant of the premises, if they are not the same person, stating the nature of the violation and requiring them to remove the sign within three (3) days from the date of the order.
- (3) If, upon inspection, the Department finds that a permanent sign is obsolete, abandoned or structurally, materially, or electrically defective in such a way that it endangers the public, the Department shall issue a written order to the owner of the sign and occupant of the premises, if they are not the same person, stating the nature of the violation and requiring them to remove the endangerment immediately and to repair or remove the sign within thirty (30) days of the date of the order.
- (4) In cases of emergency, the Department may cause the immediate removal of a dangerous or defective sign without notice, and by any means deemed acceptable. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.
- (5) In cases of illegal signs placed in the public right-of-way, the Department may cause immediate removal of the sign without notification of the owner of the sign.

(E) *Removal of Signs by the Planning and Code Enforcement Department.*

- (1) The Department may cause the removal of signs for failure to comply with the written orders of removal or repair after following the notification procedures outlined above.
- (2) After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Department.
- (3) If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become an assessment as a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten percent (10%) penalty for collection in the same manner as the real estate taxes.
- (4) The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless documented facts to the contrary are brought to the attention of the Department, as in the case of a leased sign.
- (5) For purposes of removal, the definition of sign shall include all embellishments and structures designed specifically to support the sign.
- (6) The Department may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

- (F) *Penalties.* Any person or entity who fails to comply with the provisions of Article 1000 after a notice or administrative order from the Department may be subject to a fine of not less than \$250 nor more than \$1000 per week, with each week a violation continues constituting a separate offense.

## ARTICLE 1000 Signs

### **Section 1000.01. Purpose**

- (A) The purpose of this Article is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while also safeguarding the rights of the people in the community to a safe, healthful and attractive environment. This Ordinance provides standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility and enhancing the City's image. Within this overall framework, it is the intent of these regulations to:
- (1) Encourage creative and well-designed signs that contribute in a positive way to the City's visual environment;
  - (2) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood;
  - (3) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
  - (4) Protect the right to the use of signs for the identification of activities and any related products, services and events and for non-commercial messages;
  - (5) Protect the right of individuals to privacy and freedom from nuisances;
  - (6) Protect the value of property and improvements thereon; and
  - (7) Provide an efficient and effective means of administration and enforcement.

### **Section 1000.02. General Regulations Affecting All Signs**

- (A) *Compliance and Non-conforming Signs.* All signs erected after the effective date of this Section must be in compliance with City codes. Signs which were lawful at the time of their construction or placement but are not in conformance with current Ordinances shall be permitted as non-conforming signs until such time that the sign is damaged, in a state of disrepair, has lived its functional life span, or has a change of use of the site, or have become obsolete.
- (B) *Design and Construction.*
- (1) All signs shall comply with the Arkansas Fire Prevention Code and the National Electrical Code.
  - (2) Signs shall be permanently affixed to the ground or building except for the following which are explained in following sections of this ordinance:
    - (a) Temporary signs;

- (b) Real estate signs advertising the premises for sale, lease or rent;
- (c) Construction signs during construction;
- (d) Window signs;
- (e) Yard sale signs, political and election signs; and
- (f) Special event signs.

(C) *Changeable Copy Signs.* Manual changeable copy signs and electronic changeable copy signs shall be allowed subject to the following:

(1) *Manual Copy Change.* Each message must be displayed at least seven (7) days except a gas station may change its copy as needed.

(a) *Area.* No more than 50% of the area of a sign shall be devoted to changeable copy.

(b) *Theatres.* Signs for theaters may devote up to 80% of a sign area to changeable copy.

(2) *Electronic Copy Change.*

(a) *Fluctuating Illumination.* Is prohibited.

(b) *Copy Rotation.* Each message shall be displayed for at least three (3) seconds before alternating to the next message. For scrolling signs, messages shall be permitted to scroll from one direction onto the message board so long as the message remains on the message board for at least three (3) seconds before scrolling off.

(c) *Lumens.* Screen may not be brighter than five (5) lumens measured at any point along the public right-of-way.

(d) *Screen Size.* Screen shall be no more than fifty percent (50%) of the total size of the sign, not to exceed twenty-four (24) square feet.

(D) *Illumination.*

(1) *Source.* Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety or infringes on neighboring residential districts. External, down-lighting is preferred.

(2) *Internal illumination.* Internally illuminated signs in all districts shall have an opaque background and translucent copy.

- (3) *External Illumination.* External illumination shall be selected, located, aimed and shielded so that direct illumination is focused solely on the sign face, away from adjoining properties and the public street right-of-way. Down lighting is preferred.
- (4) *Strung Lights.* Signs shall not be illuminated by a string of lights placed around the sign.
- (5) *Lighting Adjacent to Residential Areas.* Sign lighting shall not be a nuisance to adjacent neighboring residential areas and shall be at least four hundred (400) feet beyond a boundary designating a Residential District or at the farthest point of the commercial property from the residential district.
- (E) *Maintenance.* All signs, permanent and temporary, whether or not a permit is required, shall be maintained in good condition, shall be legible, kept free of cracked or peeling paint, kept free of missing or damaged sign panels or supports, and kept free of weeds, grass or vegetation which obscures the view of the sign message, and shall not be in disarray or fallen over. Sign landscaping shall be maintained so as not to interrupt the view of the sign. The owner will be required to remove signs within 30 days or face citations for signs not maintained as required herein when notified by the City Administration Office or other city authority appointed by the Mayor.
- (F) *Obstructions.* No sign shall block entrances or exits to buildings, including fire escapes.
- (G) *Nonconforming, Obsolete, and Unpermitted Signs.* Signs which were lawful at the time of their construction or placement but are not in conformance with current Ordinances shall be permitted as non-conforming signs until such time that the sign is damaged, in a state of disrepair, has lived its functional life span, or has a change of use of the site. At that time, the sign, if replaced, shall be in compliance with this Ordinance.
- (H) *Sight Triangle.* No sign shall constitute a hazard to traffic including, but not limited to signs located within the sight triangle of an intersection. The sight triangle is defined by a triangular area formed by a diagonal line connecting two points on intersecting street rights-of-way, measured thirty-five (35) feet along each pavement edge starting at the intersection point.
- (I) Any sign erected with or without a sign permit, must have the property owner's permission.

### **Section 1000.03. Signs Allowed without a Permit**

- (A) *Construction Signs.*
- (1) *Residential Districts – Individual Lot.* Construction signs on individual lots in residential districts, subject to the following regulations:
- (a) *Number Permitted.* One (1) construction sign per street frontage identifying on the single sign Builder; HVAC, Plumbing, and Electrical Contractors, if applicable.
- (b) *Maximum Area.* Five (5) square feet in total for all.
- (c) *Removal.* The sign shall be removed prior to the issuance of a Certificate of Occupancy.

(2) *Residential Districts - Subdivision.* Construction signs for a subdivision in residential districts, subject to the following regulations:

(a) *Number Permitted.* One (1) per street frontage of subdivision.

(b) *Maximum Area.* Thirty two (32) square feet per sign face.

(c) *Maximum Height.* Nine (9) feet.

(d) *Removal.* The construction sign shall be removed within seven (7) days of erection of a permanent subdivision sign or within one (1) year of issuance of sign permit, whichever comes first.

(3) *Non-Residential Districts.* Construction signs in non-residential districts, subject to the following regulations:

(a) *Number Permitted.* One (1) per street frontage.

(b) *Maximum Area.* Thirty two (32) square feet per sign face.

(c) *Maximum Height.* Nine (9) feet.

(d) *Removal.* The construction sign shall be removed prior to obtaining a certificate of occupancy or erection of a permanent sign or within one (1) year of issuance of sign permit, whichever comes first.

(B) *Farm Signage.* Signs on farms of at least five (5) acres in size and registered with the U.S. Department of Agriculture's Farm Service Agency (FSA) advertising sale of products grown or produced on the premises. A maximum of two (2) signs are allowed per property location. Each sign size shall not exceed thirty two (32) square feet and must be maintained in good condition.

(C) *Flags.* U.S., State, Municipal, or Corporate Flags.

(D) *Hand Carried Non-Commercial Signs.*

(E) *Historic Markers.* Attached or freestanding historic or memorial markers erected by a governmental agency or private, non-profit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state or county wide basis or to properties within a duly authorized local historic district. Such plan or program must employ uniform standards of eligibility and the sign or marker must commemorate a person, building, place or event of historical, civic, cultural, natural historical, scientific, or architectural significance. Historical markers are subject to the following regulations:

(1) *Maximum Area.*

(a) *Freestanding:* Eighteen (18) square feet.

(b) *Wall*: Six (6) square feet.

(2) *Materials*. Each such sign or marker shall be made of metal, cast metal, cut masonry, brick, stone, painted wood, vinyl or other similar weather resistant, durable, permanent material.

(3) *Condition*. Markers must be kept in good condition.

(4) *Location*. A map showing the location of any and all historic markers must be filed with the City Clerk's Office.

(F) *Holiday Decorations*. Temporary lighting and displays that are part of customary holiday decorations, subject to the following regulations:

(1) *Time Period*. Displays and lighting associated with holiday celebrations shall not be illuminated more than forty-five (45) days prior to the holiday and shall not be illuminated more than thirty (30) days after the holiday.

(2) *Subject*. Such decorations shall not contain a commercial message.

(3) *Location*. Such decoration shall not be located in the public right-of-way.

(G) *Identification Signs*.

(1) *Customary Identification Signs*: Are described as those which are commercially made, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs and are no larger than three (3) square feet in area per sign.

(2) *Individual Numbers*. Are those posted on a structure or a post. They must be clearly visible from the road so that an emergency response vehicle can readily identify the location of the home or business. The numbers shall be of a color that contrasts with the background or made of reflective material and must be three (3) to four (4) inches in height.

(3) *Location*. Numbers must be displayed on the side of the building facing the street the building is addressed on. If the building is not visible from the street, the numbers must be displayed on a post facing the street the building is addressed on. The numbers should be located at least three (3) to four (4) feet from the ground so they are easily seen. The area surrounding this post must be kept neat and free of weeds, grass or vegetation so they do not cover up the numbers. If there is more than one address on a driveway, all addresses must be visible.

(H) *Incidental or Directional Signs*. Incidental signs, those that give information or direction for the convenience and necessity of the public, such as "entrance", "exit", "no admittance", "telephone", or "parking", subject to the following regulations:

(1) *Maximum Area*. Five (5) square feet.

(2) *Maximum Height*. Three (3) feet.

- (I) *Interior Signs.* Signs visible only from the interior of a structure, such as in a mall, where they are not visible from a public right of way or public space.
- (J) *Non-Readable.* Any sign not readable either from any public right-of-way or from any lot or parcel other than the parcel on which such signs are located or from an adjacent lot or parcel under common ownership with the lot or parcel on which such sign is located.
- (K) *Political Signs.* Temporary political signs erected in connection with elections or political campaigns, subject to the following regulations:
  - (1) *Maximum Size.* Five (5) square feet in residential areas and eighteen (18) square feet in non-residential areas.
  - (2) *Materials.* Political signs must be made of a durable, and non-destructible weather resistant material.
  - (3) *Location.* Political signs are prohibited on utility poles, street signs, or any other permanent sign; signs can not obstruct driver’s vision clearances at an intersection; signs shall not be placed in public right-of-ways. Sign may be on owner’s property/lot with owner’s permission.
  - (4) *Maximum Number Permitted.* One per each 20 feet of street frontage the property borders.
- (L) *Public Notice.* Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance. The location must be on file with the Planning and Code Enforcement Department. Sign must be removed within three (3) days of date of posted event.
- (M) *Public Park Signs.* Signs in public parks of a noncommercial nature erected by a government agency such as directional signs, rules signs, safety signs or site identification signs that are no greater than four (4) feet in height.
- (N) *Public Sign.* Any federal, state or local traffic control or other public sign.
- (O) *Real Estate Signs.*

(1) Signage advertising the sale, lease, or rent of real estate shall be subject to the limitations of the following Real Estate Signage Table:

<b>Real Estate Signage Table</b>				
<b>Zoning District</b>	<b>Maximum Number</b>	<b>Max. Area per Sign</b>	<b>Max. Height</b>	<b>Special Restrictions</b>
Residential	1. One (1) freestanding per street frontage. 2. One (1) wall per dwelling unit.	6 sq. ft.	4 ft.	1. Two (2) riders permitted as long as maximum area not exceeded. 2. Signs must be removed within seventy-two (72) hours of property closing.

<b>Real Estate Signage Table</b>				
<b>Zoning District</b>	<b>Maximum Number</b>	<b>Max. Area per Sign</b>	<b>Max. Height</b>	<b>Special Restrictions</b>
	3. One (1) freestanding stand per property line with golf course or lake frontage.			3. May not be illuminated. 4. Balloons and attention getting devices prohibited.
Non-Residential	1. One (1) freestanding per street frontage.	32 sq. ft.	9 ft.	1. Two (2) riders permitted as long as maximum area not exceeded. 2. Signs must be removed within seventy-two (72) hours of property closing.
	1. One (1) wall per dwelling unit.	9 sq. ft.	9 ft.	3. May not be illuminated. 4. Balloons and attention getting devices prohibited.
<i>For open houses only, Off-site Directional in all Districts</i>	1. Five (5) per project or property	6 sq. ft.	4 ft.	1. Must include the property address and hours of the open house. 2. Two (2) riders permitted as long as maximum area not exceeded. 3. May not be placed more than five (5) miles from the property at intersections only. 4. May be placed on the morning of the open house. 5. Must be removed at the end of each day of the open house. 6. May not be illuminated. 7. Balloons and attention getting devices prohibited.

- (P) *Stadium Signage.* Commercial signs within City and school stadiums.
- (Q) *Traffic Control Signs.* Traffic control signs on private property such as “stop”, “yield”, and similar signs, the face of which meet Arkansas Department of Transportation standards, subject to the following regulations:
- (1) *Maximum Area.* Eight (8) square feet.
  - (2) *Subject.* Such sign shall not contain a logo or commercial message.
- (R) *Vending Machines, ATM, Gas Pumps.* Vending machines, automatic tellers, or gasoline pumps which display the name, trademark or logo of the company or brand or prices shall not exceed thirty two (32) square feet in area per side. The display shall be an integral part of the machine or pump.
- (S) *Window Signs.* Any sign, pictures, symbol or combination thereof that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window shall not exceed 40% of the window area. One (1) sign, announcing employment opportunities for an on-site business, is allowed, exempt from a time requirement, subject to a maximum area of five (5) square feet or 40% of the window area, whichever is less.
- (T) *Yard Sale Signs.* All such signs including, but not limited to, yard, garage, moving, estate, auction, and rummage sale signs, are subject to the following regulations:
- (1) *Advertising.* No sign shall be posted advertising said sale more than three (3) days prior to the sale. Signs must be removed no later than the final day of the sale. The sign must include the address, date(s) and time of the sale.
  - (2) *Maximum Area.* Five (5) square feet.
  - (3) *Maximum Number Permitted.* One (1) at the site of the sale and five (5) off-site directional sign.
  - (4) *Materials.* Sign shall be made of a durable, non-destructible, weather resistant material. Cloth, paper, cardboard and similar materials, unless laminated, are not allowed.
  - (5) *Location.* Signs shall be placed no farther than five (5) road miles from the property for which directions are given. Signs shall be placed at least six (6) feet distant from the edge of the nearest paved road, shall be located at intersections only, and be securely attached to the ground with a pole or stake. Signs are not allowed on street signs, utility poles, directional signs, mail boxes, trees or similar permanent existing signage; signs are not allowed freestanding attached to a box, rock or similar device.

**Section 1000.04. Signs Allowed in a Public Right-of-Way**

- (A) *In Public Right-Of-Way.* No sign, including supports, frames, and embellishments, shall be located within a public right-of-way or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or on public property, except as specifically permitted below.

(B) *Exemptions.*

- (1) *Emergency.* Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way. No permitting required.
- (2) *Public.* Public signs erected by the city, county, state or federal government. No permitting required.
- (3) *Directional Signs.* Small directional signs referred to in the Sections 1000.03 and 1000.05 are allowed in the right of way, however they must be at least six (6) feet from the nearest paved street, securely fastened to the ground, readable from a moving vehicle, and made of weather resistant material. Such signs shall not create a cluttered, unsightly condition due to close proximity to one another. Signs must be removed in accordance with displays period authorized by a permit.
- (4) *Use of Structures within the Public Right-of-Way.* Placement of temporary signs on overpass railings within the public right-of-way shall be allowed upon permitting procedures under Section 1000.05.

**Section 1000.05. Temporary Signs**

- (A) *Permit Required.* Temporary signs-for special sales events and promotions, fund raising events, new business openings, and non-recurring activities of interest to the general public must obtain a temporary sign permit, subject to the regulations of this Section.
- (B) *Time.* Temporary sign permits must be approved by the Planning and Code Enforcement Department a minimum of three (3) days prior to the intended display period.
- (C) *Materials.* Temporary signs shall be commercially made of a durable, non-destructible, weather resistant material. Cloth, paper, cardboard and similar materials, unless laminated, are not allowed.
- (D) *Permit Types.* Four types of temporary sign permits may be issued by the Planning and Code Enforcement Department:
  - (1) *New Business.* This permit shall be a new business opening.
  - (2) *Special Sales Event / Promotion for an Existing Business.* This permit shall be for a special sales event or promotion, rather than a routine business activity, for a business location in a non-residential district. Businesses operated within residential districts may not obtain this type of permit.
  - (3) *Non-recurring Events.* This permit shall be for fundraising events, special events, or activities of interest to the general public typically held once a year. Political events are exempted from this type of permit.

(4) *Recurring Events*. This permit shall be for fundraising events, special events, or activities of interest to the general public that occur on a recurring basis described as monthly, bi-monthly, weekly, or bi-weekly.

(E) The following table shall govern individual temporary sign permit requirements:

<b>Temporary Sign Requirements</b>					
<b>Permit Type</b>	<b>Max. Number of Permits</b>	<b>Type of Sign</b>	<b>Max. Signs / Permit</b>	<b>Max. Area</b>	<b>Display Period</b>
New Business	1	Banner		32 sq. ft.	30 days
		Freestanding		5 sq. ft.	
Special Sales Event / Promotion for an Existing Business	4 per year	Banner	1	32 sq. ft.	15 days
		Freestanding		5 sq. ft.	
Non-recurring Events	2 per year per property	Banner	6	<i>Nonresidential:</i> 32 sq. ft. <i>Residential:</i> 5 sq. ft.	14 days prior to event and 3 days after (Maximum of 24 consecutive days)
		Freestanding			
Recurring Events	1 per year	Banner	6	<i>Nonresidential:</i> 32 sq. ft. <i>Residential:</i> 5 sq. ft.	<i>Monthly:</i> May be placed 7 days prior to the event and removed the day the event ends.
		Freestanding			<i>Other occurrence:</i> May be placed 3 days prior to the event and must be removed the day the event ends.

- (F) *Directional Signage.* Recurring and non-recurring permit types shall allow directional signage subject to the following:
- (1) *Maximum Number.*
    - (a) For recurring event permits, a maximum of forty (40) directional signs may be erected.
    - (b) For non-recurring event permits, a maximum of number of ten (10) directional signs may be erected.
  - (2) *Maximum Height.* Directional signs are limited to three (3) feet in height.
  - (3) *Maximum Area.* Directional signs are limited to five (5) square feet in area.
- (G) *Banner Signage.* Regardless of permit type, banner signage permitted shall be attached to a building or be hung tautly by providing a member across the top of the banner to ensure that the sign does not sag and become unreadable.
- (H) Regardless of permit type, freestanding signage must located on private property within ten (10) feet of main entrance.
- (I) *Prohibited Locations.*
- (1) Temporary signs shall not be located in the public right-of-way. *Exemption:* If the right-of-way cannot be determined, signs shall be placed at least six (6) feet distant from the edge of the paved road.
  - (2) Signs are prohibited on utility poles, street signs, or any permanent signs; signs cannot obstruct driver's vision clearances at an intersection.
- (J) *Conformance with Other Regulations.* The temporary sign shall conform to the regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.

#### **Section 1000.06. Permanent Signs**

- (A) *Permit Required.* Permanent signs must obtain a sign permit as outlined in Section 300.16, subject to the regulations specified in this Section.
- (B) *Maximum Area Limitations.* All signs, regardless of type, located on individual parcels in commercial and industrial districts permitted under this Section shall be limited to maximum signage area per parcel as follows:

<b>Total Sign Square Footage Area Table</b>	
<b>Zoning District</b>	<b>Total Maximum Square Footage Area for all Types of Signs per Parcel</b>
C-1	250 sq. ft.
C-2	350 sq. ft.

C-3	425 sq. ft.
C-4	500 sq. ft.
I-1	425 sq. ft.
I-2	500 sq. ft.

(C) *Attached Signage.* Permanent signage attached to or integral to a building or structure are subject to the following regulations.

(1) The following table shall govern individual attached, permanent sign type requirements:

<b>Attached Signage Requirements Table</b>				
<b>Sign Type</b>	<b>Zoning District Limitations</b>	<b>Maximum Area</b>	<b>Setback</b>	<b>Special Restrictions</b>
Awning	N/A	25% of Awning Surface	<ol style="list-style-type: none"> <li>1. Must be flat against awning surface.</li> <li>2. 2' (two feet) minimum horizontal distance from the back of curb line of any street or parking area.</li> </ol>	<ol style="list-style-type: none"> <li>1. Fabric may not extend more than 1' (one foot) below its rigid mount.</li> <li>2. Must maintain 8' (eight feet) vertical clearance above a public right-of-way or front yard setback.</li> </ol>
Marquee	Non-residential districts only.	25% of wall surface to which the sign is attached.	<ol style="list-style-type: none"> <li>1. 2' (two feet) minimum horizontal distance from the back of curb line of any street or parking area.</li> </ol>	<ol style="list-style-type: none"> <li>1. Must maintain 8' (eight feet) vertical clearance above a public right-of-way or front yard setback.</li> <li>2. May extend the full length of the building façade.</li> </ol>
Projecting	Non-residential districts only.	25% of wall surface to which the sign is attached.	<ol style="list-style-type: none"> <li>1. May extend a maximum of 6' (six feet) into a required front setback.</li> <li>2. 2' (two feet) minimum horizontal distance from the back of curb line of any street or parking area.</li> </ol>	<ol style="list-style-type: none"> <li>1. May not extend above top of the wall to which it is attached, <i>except</i> a sign 18" (eighteen inches) in width may project a maximum of 2' (two feet) beyond the top of the wall.</li> <li>2. Must maintain 8'</li> </ol>

<b>Attached Signage Requirements Table</b>				
<b>Sign Type</b>	<b>Zoning District Limitations</b>	<b>Maximum Area</b>	<b>Setback</b>	<b>Special Restrictions</b>
				(eight feet) vertical clearance above sidewalk.
Roof	N/A	25% of Roof Surface	N/A	<ol style="list-style-type: none"> <li>1. May not project above the height of the building or roof.</li> <li>2. Roof signs are limited to a single roof surface. Multiple roof signs are prohibited.</li> </ol>
Suspended	Non-residential districts only.	25% of wall surface to which the sign is attached.	1. 2' (two feet) minimum horizontal distance from the back of curb line of any street or parking area.	1. Must maintain 8' (eight feet) vertical clearance above sidewalk.
Wall	Non-residential districts only.	25% of wall surface facing a right-of-way.	N/A	<ol style="list-style-type: none"> <li>1. May not cover more than 80% of the wall's width.</li> <li>2. Each wall parallel to a right-of-way may contain one (1) sign.</li> </ol>

(2) *Canopy Signs.* Canopy signs shall be permitted in non-residential districts, subject to the following regulations.

- (a) *All Canopies.* In no case shall the sign extend beyond the vertical edge of the canopy it is attached to.
- (b) *Fuel Canopies.* Signage for fuel canopies shall be limited to logo signs on each side of the canopy.
- (c) *Setbacks.* Canopy structures must adhere to the building setback requirements of Article 400.
- (d) *Maximum Area.* Canopy signs are limited to 25% of the wall area on each side of the canopy.

(3) Signage attached to or integral to a building or structure shall be no higher than the roof line of the building or structure to which it is attached.

(D) *Monument Signage.* Monument signage is subject to the following regulations:

(1) *Maximum Height.* Detached signage located on individual parcels in commercial and industrial districts permitted under this Section shall be limited in height by district as follows:

<b>Detached District Height Limitations Tables</b>	
<b>Zoning District</b>	<b>Maximum Sign Height</b>
C-1	9 feet
C-2	12 feet
C-3	18 feet
C-4	25 feet
I-1	15 feet
I-2	18 feet

(2) *Maximum Area.* Detached signage located on individual parcels in commercial and industrial districts permitted under this Section shall be limited in area by district as follows:

<b>Detached District Area Limitations Tables</b>	
<b>Zoning District</b>	<b>Maximum Signage Area per Side of Sign</b>
C-1	32 sq. ft.
C-2	50 sq. ft.
C-3	75 sq. ft.
C-4	100 sq. ft.
I-1	75 sq. ft.
I-2	100 sq. ft.

- (E) *Sign Landscaping*. All permitted permanent monument and free standing signs require:
- (1) A defined, bordered, landscaped area at the base of the sign.
  - (2) The required landscaped area shall be parallel to the face(s) of the sign.
  - (3) The required landscaped area shall be at least fifty (50) square feet in area, be kept neat, weed free and in compliance with the original site plan.
  - (4) For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.
  - (5) The required landscaped area shall contain living plant materials covering at least 50% of the defined landscaped area. Artificial plant materials are not authorized for use.
  - (6) A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

**Section 1000.07. Prohibited Signs**

- (A) Billboards and permanent free standing signs.
- (B) *Fluctuating Illumination*. Signs, or any means of advertising, with the illusion of movement by means of a preprogrammed repetitious sequential switching of action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns. Illumination of attraction devices or signs that fluctuates in light intensity shall be prohibited. Signs that operate or employ any motion picture projection in conjunction with any advertisements shall be prohibited.
- (C) *Obsolete Signs*. Obsolete signs, signs which have broken supports, are in disarray or fallen over, are not in good condition, have a message that is not relevant, are for a business that is not in currently in existence, are non-conforming to these regulations or are overgrown with vegetation.
- (D) *Off-Site Signs*. Permanent off-site signs are signs that direct attention to a business, commodity, service, event or entertainment not conducted, sold or offered on the premises where the sign is located.
- (E) *Portable Sign*. Any sign not securely affixed to the ground or other permanent structure.
- (F) *Road Side Markers*. Signs or memorials commemorating a death location.
- (G) Rotating or Revolving Signs. Lighted or not.
- (H) *Strung Lights*. Lights strung across buildings or property, except those allowed under Section 1000.03(F).

- (I) *Vehicle Signs.* Signs attached to or painted on vehicles including automobiles, trucks, boats, campers, and trailers, which are parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purpose of providing advertisement for products or services or directing people to a business or activity. This excludes political signs. This definition is not to be construed to include those signs on a vehicle that identify a firm or its principal products or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time said vehicle is regularly and customarily used to traverse the public highways during the normal course of business.
- (J) *Windblown.* Fluttering, spinning, windblown or inflated devices including pennants, propeller discs and balloons.
- (K) *Other.* All other signs which are not expressly permitted under this section.
- (L) *Banners.* Are not allowed except for those allowed under Section 1000.05.

**Section 1000.08. Severability**

- (A) If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council declare that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or invalid or ineffective.

**Section 1000.09. Appeals**

- (A) Appeals of this Article shall follow the procedures for variances as outlined in Section 300.10.