

ORDINANCE 2016 - 02

AN ORDINANCE AMENDING PORTIONS OF THE ZONING CODE (ORDINANCE 683) RELATING TO SIGNS; AND FOR OTHER PURPOSES

WHEREAS, the regulation of signs within the Zoning Code is vital to carrying out or protecting the provisions of the City's Comprehensive Plan; and

WHEREAS, new developments concerning signs have rendered the current sign regulations within the Zoning Code obsolete; and

WHEREAS, the city staff and the city's Planning and Growth Committee have made a thorough study of the city's needs with regard to the regulation of signs and prepared a new set of regulations and presented those to the Planning Commission; and

WHEREAS, the Planning Commission, after holding a duly authorized public hearing has recommended the new sign regulations to the City Council.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEARCY, ARKANSAS:

SECTION I: That Chapter III of the Zoning Code be amended to add the following definitions:

Sign: Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to provide information.

Sign, Billboard: An off-premise sign exceeding 32 square feet in area.

Sign, Balloon: A type of temporary sign that floats and is designed to resemble a balloon, blimp, dirigible, hot air device or other flying object tethered to the ground.

Sign, Canopy: A sign attached to the underside of a canopy.

Sign, Construction: A temporary sign erected on the premises where construction is taking place, during the period of such construction.

Sign, Flashing: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Freestanding: Any non-movable sign not affixed to a building.

Sign, Ground: A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground.

Sign, Height: The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

Sign, Illuminated: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Sign, Nonconforming: Any sign which is not permitted within the district in which it is located.

Sign, Off-premise: A sign that directs attention to an entity, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Pole: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 6 feet or more above grade.

Sign, Political: Temporary sign erected on private property within the City for the purpose of political campaigning regarding a designated election.

Sign, Portable: Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings. Portable signs include movable "reader board" signs which are signs in which the information is provided by digitally active electrical lettering.

Sign, Projecting: A sign which projects from and is supported by a wall of a building and does not extend beyond, into, or over the street right-of-way.

Sign, Roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Temporary: A sign not constructed or intended for long-term use, and not permanently attached to the ground, a building, or structure. Temporary signs shall include all signs made of non-durable material, including but not limited to cloth, canvas, paper, cardboard, flexible vinyl, nylon, tarpaulin or like material, coated paper or canvas, or organic material. See also: "Balloon Sign."

Wires, Overhead: All wires suspended above ground by a utility or other entity so that clearances mandated by current editions of the National Electric Safety Code, the National Electric Code, and other state and local regulations must be maintained.

SECTION II: That Chapter XIV of the Zoning Code be replaced in its entirety by the following section:

I. General Provisions: The following general provisions govern the permitting of signs in the City of Searcy.

A. A permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted in this section and shall be issued by the Code Enforcement Officer in accordance with these regulations.

B. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.-m\

C. Illumination devices shall be so placed and so shielded that rays from the devices or from the sign itself will not be directly cast into any residential district, or sleeping room in any district, or in the eyes of a vehicular driver.

D. Only signs installed or authorized by the State, County, or City may be placed on the public right-of-way.

E. No sign shall be permanently painted, pasted, or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot located in any Residential District.

F. All signs shall be erected within the property lines of the premises upon which they are located. No portion of a freestanding sign shall extend, be erected, or be placed in any street right-of-way. All structural pylons and supports must be set back from the property line or right-of-way line a distance of at least one-fourth the required building setback of the zoning district or other distance as specified within this article, whichever distance is greater. All structural pylons and supports must be setback a distance of at least five feet from any easement.

G. Signs that, in the opinion of the Building Official, may be in conflict with public traffic signals shall not be permitted.

H. No person shall place, maintain, or display any otherwise authorized sign, signal, marking, or device which imitates or resembles an official traffic control device, emergency light, or railroad sign or signal or which has the effect of disrupting the movement of traffic. No person shall place, maintain, or display any sign that hides from view or interferes with the movement of traffic or the effectiveness of any traffic control device or any railroad sign or signal.

I. Signs and sign structures attached to the wall of any building shall not extend more than six feet above the roofline.

J. If required by the Building Official, supporting structures will be designed and plans stamped by a Professional Engineer.

K. No sign shall be constructed in such a way as to interfere or extend into contact with any overhead wires.

II. Exemptions:

This article does not relate to building design, nor does it regulate the following.

- A. Official traffic or governmental signs;
- B. The copy and message of signs;
- C. Window displays;
- D. Product dispensers;
- E. Scoreboards on athletic fields;
- F. Flags of any nation, government, or non-commercial organization;
- G. Gravestones;
- H. Barber poles;
- I. Religious symbols;
- J. Commemorative signs, tablets, or plaques approved by the Searcy City Council;
- K. Signs required to be maintained by law or governmental order, rule, or regulation;
- L. The display of street numbers;
- M. Any display or construction not defined as a sign;

III Prohibited Signs:

The following signs are prohibited in the City of Searcy.

- A. Signs imitating warning signals: No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words “stop”, “danger”, or any other word, phrase, symbol, or character in a manner that might mislead or confuse a vehicular driver;
- B. Signs within street or highway right-of-way: No sign whatsoever, whether temporary or permanent, except traffic signs and signals and traffic-directing signs erected by a public agency, are permitted within any street or highway right-of-way;
- C. Certain attached and painted signs: Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings;
- D. Fluttering ribbons and banners. Fluttering ribbons and banners and similar devices are prohibited within the front yard setback, except the flags of governments and their agencies;

E. Billboards. Billboards are not permitted within the corporate limits of the city of Searcy;

F. Hand-tacked signs;

G. Projecting signs, except in the C-1 district.

IV. Requirements Applying to Specific Signs:

The following regulations apply to specific type signs as noted.

A. Wall signs. Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

1. The display surface area of such sign shall not exceed ten percent of the square footage of the wall to which it is attached.
2. Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
3. Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than 24 inches.
4. Such sign placed in the horizontal space between windows of a two story building shall not exceed in height more than two-thirds of the distance between the top of the window below and the sill of the window above.

B. Pole or ground signs: Signs on poles where permitted are subject to the following standards:

1. A use shall be permitted to have one ground or pole sign for each street frontage.
2. Such signs shall have a maximum display surface as specifically allowed within Section XII: Signs Permitted in Commercial Districts or Section XIII: Signs Permitted in Industrial Districts.
3. The maximum height of a pole sign shall be 35 feet except that pole signs located within 150 feet of the Highway 67/167 Freeway right-of-way may be a maximum 50 feet in height.

C. Ground Signs: Ground signs are subject to the following standards:

1. Ground signs may not exceed four feet in height except as allowed in the following section.
2. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet.
3. Ground signs must be located so that they do not obstruct the view of traffic from any intersection, street, or driveway.

D. Signs on work under construction: Non-illuminated signs not exceeding 64 square feet in area are permitted upon the premises of any work under construction, alteration, or removal. They shall be set back not less than 15 feet from any property or right-of-way line, whichever distance is greater. Such sign shall be removed within 30 days after completion of the project.

E. Temporary subdivision signs: Temporary signs not exceeding 64 square feet in area are permitted on the premises of a land subdivision. They shall be set back not less than 15 feet from any property line or right-of-way line, whichever distance is greater. Such signs shall be spaced not less than 500 feet apart within a single subdivision. They shall be removed when 75 percent of the lots are conveyed.

F. Private signs. Off-premises signs may be erected and maintained provided:

1. The size of any such sign is not in excess of six square feet and not in excess of four feet in length;
2. Not more than one such sign is erected on each 500 feet of street frontage; and
3. No portion of the sign extends above four feet from ground level;
4. An application for an off-premise directional sign is accompanied by written agreement from the property owner of the receiving property agreeing to the placement of the sign.

H. Neon signs. Signs which utilize neon lighting, either for the body of the sign or its border, shall comply with all relevant local, state and federal electrical requirements.

I. Compliance with electrical codes: All electrical signs or equipment and devices used in electrical signs shall bear the label of Underwriters Laboratories, Inc., or other recognized independent testing laboratory approved by the Enforcement Officer. All materials and methods used for installation shall comply with the current adopted electrical code.

J. Portable or Temporary signs. The Building Official may issue a temporary permit for the placement of a portable sign or temporary sign on an individual site for a period not to exceed 90 days in any 12 month period. Electrical service for illuminated signs shall meet the provisions of the city building code.

K. Individual temporary signs are allowed without permit in any zone. Such signs shall not exceed five square feet in in surface area, four feet in height, and are required to be set back at least 10 feet from the property line or right-of-way line, whichever distance is greater.

L. Balloon Signs: The height of a tethered balloon sign shall not exceed 35 feet at maximum height or shall not possess a tether of such length that, during straight-line winds, the sign would extend beyond any property line of the property containing the sign or into a public sidewalk, whichever is less.

V Permits:

Unless otherwise provided by this article, all signs shall require permits and payment of fees as described in this section. Application for a permit for the erection, alteration, or relocation of a sign, when allowed by this article, shall be made to the Enforcement Officer on such form or forms as may be required to provide the information necessary to administer the provisions of this article. As a minimum, the following information is required.

- A. Height of sign;
- B. Sign face dimensions;
- C. Structure and/or support details;
- D. Location of sign in relation to street(s), property line(s), easement(s), buildings, and private drives;
- E. Location of any property lines that may be affected by the sign;
- F. Copy of agreement with property owner if property is leased;
- G. Drawings stamped by a professional engineer if required;
- H. Sign permits are reviewed only by the staff unless the staff determines that issues surrounding an individual sign would require site plan review by the Planning Commission.

VI Signs for which permit is not required:

A permit is not required for the following.

- A. Traffic, directional, warning, or information signs authorized by any public agency.
- B. Official notices issued or required by any court, public agency or officer.
- C. Individual temporary signs as described in Section IV-K

D. Maintenance of a sign or for a change of copy on painted, printed, or manual changeable copy signs.

VII Fees:

Where required, fees for a sign permit shall be collected according to a fee schedule established by the City Council and amended from time to time.

VIII Term of Permit:

Each permit shall be valid until the sign is removed or altered.

IX Maintenance:

- A. All freestanding signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish, and weeds. All signs shall be properly maintained at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.

- B. The Enforcement Officer is hereby authorized to order the repair or removal of any sign which is defective, damaged, substantially deteriorated, or presents a public hazard, as defined in the edition of the building code in force in the city.

X. Signs Permitted in All Districts:

The following signs are permitted in all districts:

- A. All signs not requiring a permit.

- B. One construction sign for each street frontage of a construction project.

XI. Signs Permitted in Residential Districts:

The following signs may be permitted in all residential districts, all other signs being specifically prohibited:

- A. All signs permitted in Section X of this Chapter

- B. Individual temporary signs as described in Section IV

XII. Signs Permitted in Commercial Districts:

A. Signs in Commercial “C-1” Districts:

In the C-1 District, signs are permitted subject to the following regulations:

1. All those signs permitted in the residential “R” Districts are allowed in commercial “C” districts.
2. Projecting signs are allowed but shall not project into any roadway or driveway and shall be placed with the lowest part a minimum 8 feet above the surface of the sidewalk.

B. Signs in the C-2, and C-4 Districts

In the C-2 and C-4 Districts, signs are permitted subject to the following regulations:

1. All those signs that are permitted in the residential “R” districts are allowed in Commercial “C-2” and “C-4” districts.
2. Freestanding Signs for Single Tenant Structures— Each single tenant structure is allowed freestanding signs provided that the display surface of such signs shall not exceed 80 square feet except that the display surface may be increased two square feet for each foot of street frontage beyond 100 feet to a maximum display area of 120 square feet. The signs must have a setback of at least 10 feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater.

One free standing sign is allowed per lot or commercial street frontage. For buildings on corner lots, one additional free standing sign is allowed on the additional street frontage. For such corner lots, one frontage must be designated as the main frontage, and one must be designated as the minor frontage. Signs on the minor street frontage must not exceed 75 percent of the size of the display area of the free standing sign on the main frontage. Instead of having one sign on each street frontage, the applicant may opt to have one free standing diagonal sign facing both street frontages, in which the size of the sign may be computed using the longest street frontage.

3. Freestanding Signs for Multi-Tenant Structures and Joint Identification—Each multi-tenant structure or a group of structures may have one incidental or freestanding sign for each street frontage, with a setback of at least 10 feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater. There shall be no freestanding sign for individual businesses within a multi-tenant commercial development.

- a. For structures or a group of structures with a street frontage of less than

100 feet, the sign display surface shall not exceed 80 square feet.

b. For structures or a group of structures with a street frontage of more than 100 feet and less than 300 feet, the sign display surface shall not exceed 80 square feet except that the display surface may be increased two square feet for each foot of street frontage beyond 100 feet to a maximum display area of 120 square feet.

c. For structures or a group of structures with a street frontage of more than 300 feet, the sign display surface shall not exceed 120 square feet except that the display surface may be increased one square foot for each foot of street frontage beyond 300 feet to a maximum of 300 square feet.

C. Signs in the C-3 District

In the C-3 District, signs are permitted subject to the following regulations:

1. All those signs permitted in the residential “R” Districts are allowed in commercial “C” districts

2. One wall sign is permitted per principal business use; the size of this sign shall not exceed one square foot for each one linear foot of building facade fronting a public street. Such sign shall be mounted on the principal structure/building.

XIII Signs Permitted in Industrial Districts:

A. Signs in the “I-1” and “I-2” districts shall conform to the following regulations:

1. All those signs permitted in the Residential “R” or commercial “C” districts are allowed in industrial “I” districts.

2. The total surface area of a sign or signs on a building or lot shall not exceed 120 square feet.

3. Sign structures shall be limited to not more than one structure for a lot of 50 foot frontage or less, and to one additional structure for each 50 feet of additional lot frontage. No sign may be erected within 50 feet of an adjoining residential district, if designed to or results in facing into such a district.

XIV Signs Permitted in the PD District:

Signs in the PD districts shall be approved as part of the approval process for the development.

XV. Signs Permitted in the U-T District:

Signs in the U-T District are restricted to those signs allowed in the residential districts.

XVI. Violations:

The following regulations govern violations of this section.

A. When, in the judgment of the Enforcement Officer, a violation of this article exists, the Enforcement Officer shall issue a written order to the alleged violator. The order shall specify those sections of this article of which the person may be in violation and shall state that the person has 10 days from the date of the order in which to abate the alleged violation or to appeal to the board of adjustment. If the violator fails to appeal or to correct the violation within the time allowed by this section, the sign shall be deemed illegal and removed by the sign owner.

B. If, upon inspection, the Enforcement Officer finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, or is not maintained, such sign or signs shall be deemed illegal and the Enforcement Officer shall issue a written order to the owner of the sign and/or the occupant of the premises stating the nature of the violation and requiring the sign to be repaired in conformance with this article or removed within 10 days of the date of the order.

C. Signs not meeting the provisions herein shall be considered public nuisances. In the event of a failure to comply with the order of the Enforcement Officer, the City may institute legal proceedings including, without limitation, an action to abate the sign as a nuisance. Costs incurred by the City shall be charged to the owner of the sign and/or the owner of the property on which the sign is located. The costs may constitute a lien upon the property and may be collected by any appropriate lawful means.

Section III. The regulation of signs and the ensuring of good civic design in accordance with a comprehensive plan and the continued utilization of lands within the City of Searcy in accordance therewith being necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby declared, and this ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED THIS 12th DAY OF JANUARY, 2016.

/s/ David Morris
Mayor

ATTEST:

/s/ Jerry Morris
City Clerk