

## **ORDINANCE 2012**

### **AN ORDINANCE AMENDING ORDINANCE #2008-16 AND TO CREATE COMPREHENSIVE SIGN REGULATIONS UNDER THE AUTHORITY OF THIS MUNICIPALITY'S POWERS TO PLAN AND ZONE WITHIN THE CITY LIMITS OF HEBER SPRINGS, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

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

WHEREAS, new developments concerning the size and type of signs have made it necessary to amend the current sign regulations within the Heber Springs Municipal Code ; and

WHEREAS, the Mayor and the city's Planning and Zoning Advisory Board has made a thorough study of the city's needs with regard to the regulation of signs, has prepared and recommended regulations to the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission, after holding a public hearing in accordance with Arkansas law, has recommended the changes set forth herein to the City Council.

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

That the Heber Springs Municipal Code, Chapter 11.52 "Signs" as it pertains to Planning and Zoning regulations is supplemented and amended as set forth herein.

#### **SECTION ONE: Definitions**

Fluttering Ribbons & Banner: fabric signs, banners or ribbons.

Garage/Yard Sign: A private sale of personal property used to dispose of personal household possessions. Not for use of any commercial venture.

Illumination Device: An outdoor source of light used to illuminate outdoor signs and/or building facade.

Mansard Roof: Any roof that has an angle greater than forty five (45) degrees and which derives part of its support from the building walls and is attached to (but not necessarily a part of (a low slope roof (less than three (3) inches rise per twelve (12) inches horizontal) and which extends along the full length of the front building wall or three quarters of the length of the side building wall.

**Marquee:** Any permanent roof-like structure projected beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Product Dispensers:** A dispenser is a device that dispenses products such as newspaper, real estate advertisement, news magazines, etc.

**Sign:** Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to advertise or inform the public of an establishment, goods, or service.

**Sign, Advertising:** An off-premise sign not exceeding thirty two (32) square feet in area.

**Sign, Alteration:** Change of height, size, location will be defined as an alteration. Updating or repair of signage is not alteration.

**Sign, Billboard:** An off-premise sign exceeding thirty two (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, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**Sign, Directional:** Signs directing or informing of public or quasi-public nature (church, real estate, school, library, hospital, tourist attraction, civic or service clubs).

**Sign, Directory:** A sign, usually of ladder construction, listing the tenants or occupants of a building or group of buildings, name of the building or group or buildings, and that may also indicate their respective professions or business activities. Height not to exceed thirty (30) feet.

**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. Height not to exceed thirty (30) feet.

**Sign, Ghost:** A sign of historic nature and character painted on the side of a building. These signs generally serve no current purpose with regards to

commercial or noncommercial advertising.

**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 highest.

**Sign, Home Occupation:** A sign to identify the business, occupation or profession within a residential structure.

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

**Sign, Ladder:** See Sign, Directory.

**Sign, Nonconforming:** Any sign which is not permitted within the zone in which it is located or any sign that is defective, damaged, substantially deteriorated or presents a public hazard.

**Sign, Off-premise:** A commercial sign, whether leased or owned by the advertising entity, that directs attention to a business, 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 six (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 advertising is accomplished 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, Real Estate:** Signs advertising a specific property for sale, rent, or lease.

**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, Special Event:** Temporary signs describing an event of public interest (fair,

trade show, auctions, etc.).

**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."

**Structural Pylons:** A support structure for the outdoor signs.

**Subdivision Sign:** A sign exclusively constructed to identify the community on whose premise the sign is constructed.

**Wall Sign:** Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the building marquee, building awning, or a building canopy shall be considered a wall sign.

**Window Sign:** Any signs, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window.

**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 TWO: General Provisions:**

**I. In general.** The following general provisions govern the permitting of signs in the City of Heber Springs.

- 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 Planning and Zoning Commission or duly appointed in accordance with these regulations.
- B. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
- 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 zone, or sleeping room in any zone, 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 advertising sign shall be erected within fifty (50) feet of any adjoining residential zone boundary line if the sign faces perpendicular to the street that the building faces. Further, no flashing sign of any type shall be erected within one hundred fifty (150) feet of an adjoining residential zone boundary line if the face of such sign is perpendicular to the street the building faces.
- F. 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 zone.
- G. 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 zoned area 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 (5) feet from any easement.
- H. Signs that, in the opinion of the Planning and Zoning Commission, may be in conflict with public traffic signals shall not be permitted.
- I. 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 signal.

- J. Signs and sign structures attached to the wall of any building shall not extend above the roofline.
- K. No sign shall be constructed in such a way as to interfere or extend into contact with any overhead wires.
- L. No truck, automobile, trailer or boat, modified to advertise a commercial business or product shall be parked on a public parking lot or space, or in a public right-of-way in such a manner as to act as permanent or semi-permanent advertisement.
- M. All electric sign's must be installed by person with state electric sign license.

## **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. Advertising at public athletic fields;
- G. Flags of any nation, government, or non-commercial organization;
- H. Gravestones; Barber
- I. poles;
- J. Religious symbols;
- K. Commemorative signs, tablets, or plaques approved by the Heber Springs City Council;
- L. Signs required to be maintained by law or governmental order, rule, or regulation;
- M. The display of street numbers;
- N. Any display or construction not defined as a sign;
- O. Off premise open-house signs for the day on which the open-house is conducted.

## **III. Prohibited Signs:**

The following signs are prohibited within the City of Heber Springs.

- 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 information 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 of applicable zones, except the flags of governments and their agencies.
- E. Billboards: Billboards are not permitted within the corporate limits of the city of Heber Springs.
- F. Hand-tacked signs.
- G. Temporary signs except as allowed under other specific provisions of this Ordinance.
- H. No Off-premise sign except as permitted elsewhere in this Ordinance.
- I. Portable signs except as allowed under other specific provisions of this Ordinance.

#### **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 twenty-five (25) percent of the square footage of the wall to which it is attached not to exceed maximum square feet per zone.
  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 (2) 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 twenty four (24) inches.
  4. Such sign placed in the horizontal space between windows of a two (2) 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 premise shall be permitted to have one ground or pole sign for each street frontage.
  2. Such signs shall have a maximum display surface specifically allowed within Section XII: Signs Permitted in Commercial Zones or Section XIII: Signs Permitted in Industrial Zones.
  3. The maximum height of a pole sign shall be thirty (30) feet.
- C. Ground Signs: Ground signs are subject to the following standards:
1. Ground signs may not exceed four (4) 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 (4) feet in height to a maximum of ten (10) feet. Sign may not exceed eighty (80) square 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 thirty two (32) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling and/or development agencies are permitted upon the premises of any work under construction, alteration, or removal. They shall be set back not less than fifteen (15) feet from any property or right- of-way line, whichever distance is greater. Such sign shall be removed within thirty (30) days after completion of the project.
- E. Temporary subdivision signs: Temporary signs not exceeding thirty two (32) square feet in area announcing a land subdivision development are permitted on the premises of the land subdivision. They shall be set back not less than fifteen (15) feet from any property line or right-of-way line, whichever distance is greater. Such signs shall be spaced not less than five hundred (500) feet apart within a single subdivision. They shall be removed when seventy five (75) percent of the lots are conveyed.
- F. Sign, Directional: Signs indicating directions shall not exceed six (6) square feet, shall not be more than a half mile from property, and no more than two (2) allowed.
- G. 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.
- H. Temporary signs: The Planning & Zoning Commission may issue a temporary permit for the placement of a temporary sign on an individual site for a period not to exceed sixty (60) days in any twelve (12) month period.



- I. Electrical service for illuminated signs shall meet the provisions of the city building and electrical codes.
- J Political signs: Are allowed without permit, in any zone. Signs over four (4) square feet in surface area and/or over four (4) feet in height are required to be set back at least ten (10) feet from the property line or right-of-way line, whichever distance is greater. All such signs must be removed within seven (7) days following the last election in which the specific candidate advertised in the sign will participate in the designated election cycle. Maximum size sign allowed in a residential zone is nine (9) square feet. Maximum size sign allowed in a commercial zone is thirty-two (32) square feet.
- K. Real Estate Signs: In any residential zone, real estate signs may not be larger than nine (9) square feet in size and only one (1) sign is allowed for each side of the structure that faces a public street. In all other zones, real estate signs may be no larger than thirty two (32) square feet. Off premise directional real estate signs are permitted, but written permission of the landowner is required.
- L. Balloon Signs: The height of a tethered balloon sign shall not exceed thirty five (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.
- M. Temporary Advertising Signs: Temporary signs used to advertise sales, service, products, etc. for a business may be used for a period of three (3) consecutive weeks after which they must be removed or changed out. No sign may be placed in the front set back.

#### **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 and approved by the Planning and Zoning Commission or duly appointed. Form or forms 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 detail (both sides, if applicable).
- 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. All requests for sign permits must be approved by the Planning and Zoning Commission or duly appointed.
- H. It shall be the contractor's or owner's responsibility to call for a final

inspection when construction of the sign has been completed.

- I. All electrical work performed in conjunction with the installation of a sign shall require an electrical permit as described in the city electrical code.
- J. All signs must be designed and constructed to meet all the requirements pertaining to sign design and construction as stated in the city building code.
- K. Appeals:  
The Heber Springs Planning and Zoning Commission shall hear all appeals to the requirements of this ordinance. The Planning and Zoning Commission shall have the following powers and it shall be its duty:
  - (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or interpretation made in the enforcement of this article. To hear requests for minimal deviations from the
  - (b) literal provisions of this code for the erection of a new sign in instances where strict enforcement of this code would cause practical difficulties due to circumstances unique to the individual sign under consideration, and grant such deviation only when it is demonstrated that such action will be in keeping with the spirit and intent of this article. The commission may impose reasonable conditions in the granting of a deviation to ensure compliance and to protect adjacent property. A violation of such conditions shall constitute a violation of this ordinance. Any deviation granted by the planning commission shall automatically be revoked if the applicant does not comply with the terms of the variance within ninety (90) days from the granting thereof.  
In exercising the above-mentioned powers, the
  - (c) commission may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or interpretation as ought to be made.  
The concurring vote of a majority of the full commission
  - (d) shall be necessary to reverse any order, requirement, decision or determination of a city official, or to decide in favor of the applicant on any matter addressed under this article, or to effect any variation in this ordinance. Decision of the planning commission may be further
  - (e) appealed to the city council who shall hear such appeal in accordance with the provisions of this section.

## **VI. Signs for which permit is not required:**

A permit is not required for the following types of signs in any zone.

- any
  - A. Traffic, directional, warning, or information signs authorized by governmental agency.
  - B. Official notices issued or required by any court, government agency or officer.
  - C. Church bulletin board sign located not less than fifteen (15) feet back from the street right-of-way line not exceeding thirty two (32) square feet.
  - D. One (1) non-illuminated "for sale", "for rent" or "for lease" sign located not less than fifteen (15) feet back from the street right-of-way line, unless attached to the front wall of a building, and not exceeding:
    - 1. Nine (9) square feet in area in residential zones; or,
    - 2. Thirty two (32) square feet in zones' other than residential zones.
  - E. Allowed home occupation signs.
  - F. Maintenance of a sign or for a change of copy on painted, printed, or manual changeable copy signs.
  - G. Political signs.

## **VII. Fees:**

Unless otherwise modified by ordinance, fees for a sign permit shall be as follows: The fee for signs and signage up to sixty (60) square feet is fifteen dollars (\$15.00). The fee for signs and signage over sixty (60) square feet shall be fifteen dollars (\$15.00) for the first sixty (60) square feet and twenty-five cents (\$.25) per square foot thereafter, up to the maximum size permitted herein. Calculating footage on new and altered signs are as follows:

- A. Window Signage and Wall Signs: The surface area of the sign shall be computed by including the entire area within a single continuous circle, ellipse, sphere or rectangle enclosing the extreme limits of the writing, representation, emblem, backer board, etc. If more than one section of glass is used, all the area including that between sections shall be included in the computation of the display surface area.
- B. Free Standing and Other Miscellaneous Signs: The square footage of a sign shall be calculated using only one side of the entire surface area of the sign. The largest side shall be used if the sides are different sizes. If more than two sides exist on the sign, use an average of the sides.

## **VIII. Term of Permit:**

Each permit shall be valid until the sign is removed, or the City requests removal due to unsatisfactory condition.

## **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 natural growth of grass or 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 Planning and Zoning Commission 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. The permit holder will have thirty (30) days to bring sign into compliance.
- C. Non-conforming Signs: If structural damage of the sign exceeds 50%, the sign shall be brought into compliance.
- D. Non-conforming Signs: Signs removed due to road or utility construction or repair may be replaced in the same location with the approval of the Planning and Zoning Commission. When possible, non-conforming signs shall be brought into compliance before being reinstalled.

#### **X. Signs Permitted in All Zones:**

The following signs are permitted in all zones:

- A. All signs not requiring a permit.
- B. One (1) construction sign for each street frontage of a construction project, subject to the requirements of Section IV of this Chapter. Real
- C. estate signs as further restricted herein.
- D. One (1) attached nameplate per occupancy, not to exceed two (2) square feet in sign area. Such nameplate shall indicate nothing other than the name and/or address of the occupants, premises, announcement of boarder, or roomers.
- E. Political signs in accordance with Section IV. J.

#### **XI. Signs Permitted in Residential Zones:**

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

- A. All signs permitted in Section X of this Chapter.
- B. Signs larger than two (2) square feet but not larger than thirty two (32) square feet may be permitted by special permit for apartment buildings, schools, churches, hospitals, parks, farms, and other special uses approved for the zoning district. Such signs shall indicate nothing other than the name and/or address of the premises and name of the management except that church signs may include information concerning services and other information related to their ministry.

- C. One (1) subdivision identification sign per neighborhood, subdivision, or development.
- D. One (1) sign per street frontage, except that no advertisement for off-the-premises goods and services will be permitted.  
A sign identifying a home occupation may not exceed four (4) square feet solely to identify the business, occupation, or profession, and such sign must be physically attached to the structure.
- E. Temporary signs advertising garage or yard sales, provided that such signs shall be removed within twenty four (24) hours after the end of the of the sale. The size of the sign will not exceed six (6) square feet.

## **XII. Signs Permitted in Commercial Zones:**

- A. Signs in Commercial "C-1" zones: In the C-1 Zone, signs may be permitted subject to the following regulations:
  - 1. All those signs permitted in the residential "R" Zones are allowed in commercial "C" zones.
  - 2. Advertising signs painted on the sides of buildings and signs that advertise products or goods unrelated to the use of the building on which the sign is painted or attached are prohibited except for historic "Ghost Signs". For principal uses, business signs shall be permitted on the basis of one (1) sign not exceeding two (2) square feet of sign area for each one (1) linear foot of building façade, but the maximum total of all permitted signs for a facade of any establishment shall not exceed eighty (80) square feet.
  - 3. Projecting signs are allowed but shall not project into any roadway or driveway and shall be placed with the lowest part a minimum seven (7) feet above the surface of the sidewalk. Sign shall not exceed eight (8) square feet.
  - 4. 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 eighty (80) square feet except that the display surface may be increased two (2) square feet for each foot of street frontage beyond one hundred (100) feet to a maximum display area of one hundred twenty (120) square feet. The signs must have a setback of at least ten (10) feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater. One (1) freestanding sign is allowed per lot or commercial street frontage. For buildings on corner lots, one additional freestanding sign is allowed on the additional street frontage.

5. Freestanding Signs for Multi-Tenant Structures and Joint Identification: Each multi-tenant structure or a group of structures may have one (1) incidental or freestanding identification sign for each street frontage, with a setback of at least ten (10) feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater. The sign shall be a directory sign and serve for the purposes of the joint business identification of tenants within the structure or group of structures. Any business or structure identified on the joint identification directory sign shall be allowed no other freestanding signs.

- a. For structures or a group of structures with a street frontage of less than one hundred (100) feet, the sign display surface shall not exceed eighty (80) square feet.
- b. For structures or a group of structures with a street frontage of more than one hundred (100) feet and less than three hundred (300) feet, the sign display surface shall not exceed eighty (80) square feet except that the display surface may be increased two (2) square feet for each foot of street frontage beyond one hundred (100) feet to a maximum display area of one hundred twenty (120) square feet.
- c. For structures or a group of structures with a street frontage of more than three hundred (300) feet, the sign display surface shall not exceed one hundred twenty (120) square feet except that the display surface may be increased one (1) square foot for each foot of street frontage beyond three hundred (300) feet to a maximum of two hundred (200) square feet

B. Signs in the C-2 Zones': In the C-2 Zone, signs may be permitted subject to the following regulations:

1. All those signs that are permitted in the residential "R" zone and "C-1" zone are allowed in Commercial "C-2" zones.
2. Commercial Cul-de-sac - Commercial subdivision forming a

cul-de-sac for individual commercial lots may have a directory sign located at the entrance to the cul-de-sac, and not exceeding thirty (30) feet in height and located in such a manner that it does not restrict the view of traffic entering or exiting the subdivision.

3. One (1) identification wall sign is permitted per principal business; the size of this sign shall not exceed twenty-five(25%) percent of building facade fronting a public street. Such sign shall be mounted on the principal structure/building. Maximum display area shall not exceed one hundred fifty (150) square feet.
4. Projecting signs are allowed but shall not project into any roadway or driveway and shall be placed with the lowest part a minimum seven (7) feet above the surface of the sidewalk. Sign not to exceed sixteen (16) square feet.

### **XIII. Signs Permitted in Industrial Zones:**

- A. Signs in the "I-1" Zone shall conform to the following regulations:
  1. All those signs permitted in the Residential "R" or commercial "C" zones are allowed in industrial "I" zones.
  2. The total surface area of a business sign or signs on a building or lot shall not exceed twenty-five (25%) percent or two hundred (200) square feet.
  3. Advertising sign structures shall be limited to not more than one (1) structure for a lot of seventy five (75) foot frontage or less, and to one (1) additional structure for each seventy five (75) feet of additional lot frontage. No advertising sign may be erected within fifty (50) feet of an adjoining residential district, if designed to or results in facing into such a zone.

### **XIV. Signs Permitted in the PUD Zone:**

Signs in the PUD zone shall be approved as part of the approval process for the development.

### **XV. Violations:**

The following regulations govern violations of this section.

- A. When, in the judgment of the Planning and Zoning Commission, a violation of this article exists, the Enforcement Officer shall issue a written notice to the alleged violator. The notice shall specify those

sections of this article of which the person may be in violation and shall state that the person has thirty (30) days from the date of the order in which to abate the alleged violation or to appeal to the Planning and Zoning Commission. 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 Planning and Zoning Commission 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 Planning and Zoning Commission shall issue a written notice 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 thirty (30) days of the date of the notice.
- C. The City reserves the right to remove the sign for failure to cure the violation within the set period of time. The owner will be responsible for any costs incurred by the City in removing a sign for non-compliance or failure to cure a violation.
- D. **XVI. Penalties:**
  - A. Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be punished by a fine not exceeding One Thousand Dollars (\$1,000), or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance is a fine not to exceed Five Hundred Dollars (\$500.00) for each day that the same is unlawfully continued.
  - B. The owner and also, if applicable, the tenant of any building, structure or premises who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties provided in this section.
  - C. The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
  - D. Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a fine or penalty, however, does not prevent the simultaneous granting of equitable relief in appropriate cases.

#### **XVII Clauses:**

- A. Conflict Clause: Any ordinance and/or parts of ordinances in conflict



herewith are hereby repealed to the extent of such conflict.

- B. Severability Clause: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

. .

Passed and adopted this \_\_\_\_\_ day of , 2012

\_\_\_\_\_  
Jackie McPherson, Mayor

Attest: \_\_\_\_\_  
City Clerk