ORDINANCE NO. 2002-03

AN ORDINANCE PERTAINING TO THE REGULATION AND CONSTRUCTION OF SIGNS IN THE CITY OF ATKINS, ARKANSAS AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Atkins, Arkansas, (the "City"), hereby finds there is no Sign Ordinance regulating the construction and placement of signs, and;

WHEREAS, there is a need for such regulations within the city limits of the City of Atkins.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Atkins, Arkansas:

SECTION 1. **DEFINITIONS**:

SIGN. A sign includes any type of object or part thereof, permanently attached to, painted on, or represented on a building, poles or other structure, upon which is displayed or included any letter , work, model, banner, flag, pennant, insignia, decoration, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention directing device. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city, or other political unit, or any political, charitable, educational, philanthropic, civic, professional, or religious campaign, drive, movement, or event. A sign shall contain no more than four (4) square feet in area unless otherwise specifically provided for in this Ordinance.

SIGN, ADVERTISING. A sign which directs attention to a business, commodity, or service which is entirely or primarily conducted, sold, or offered elsewhere than upon the lot on which the sign is located, containing no more than two hundred (200) square feet in area.

SIGN, ANIMATED. Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

SIGN, AREA. The area of a sign includes the larger of the outer extremities of all letters, figures, characters, and delineations, or the outer extremities of the framework or background of the sign. The support of the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area.

SIGN, AWNING, CANOPY, OR MARQUEE. A sign painted, stamped, perforated, stitched, or otherwise applied on the valance of an awning.

SIGN, BILLBOARD. A sign of more than two hundred (200) square feet in area but limited to no more than twelve hundred (1200) square feet in area that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

SIGN, BULLETIN BOARD. A sign portraying a non-commercial message.

SIGN, BUSINESS. An accessory sign, which directs attention to a profession, business, commodity, or service, conducted, sold, or offered on the same lot.

SIGN, COMPLEX IDENTIFICATION. A sign identifying a common area containing a group of structures, or a single structure, such as a residential subdivision, apartment complex, industrial park, manufactured home park, or shopping center, located at the entrances of the area.

SIGN, DIRECTIONAL. A sign identifying entrances, exits, aisles, ramps, and similar traffic-related information.

SIGN, ELECTRONIC MESSAGE BOARD. Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

SIGN, FLASHING. Any sign which by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion , or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

SIGN, FREE STANDING. A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

SIGN, IDENTIFICATION. A sign, which serves as an identification for a person , organization, public institution, or business operating on the premises where the sign is located. Such sign may name the person, organization, public institution, or business, but shall not portray any other message.

SIGN, ILLUMINATED. A sign illuminated in any manner by an artificial light source.

SIGN, INFORMATION. A sign which identifies a residence, a non-commercial activity including historic markers, or which conveys cautionary or similar information.

SIGN, NON-CONFORMING. A sign existing on or before the effective date of the adoption of this Ordinance, which is prohibited after the adoption of this Ordinance.

SIGN, PORTABLE. Any sign not permanently affixed to the ground, a building, pole, or structure and constructed of a durable material intended to be easily or readily moveable from one location to another.

SIGN, PROTRUDING. Any sign other than a wall sign that is attached and protruding from the wall or face of a building or structure, including an arcade/marquee sign.

SIGN, PUBLIC. A sign erected on behalf of a governmental body to post a legal notice, identify public property, convey public information, or to direct or regulate pedestrian or vehicular traffic.

SIGN, RESIDENTIAL. Any sign located in a district zoned for residential uses that contains no commercial message except such sign may contain a representation advertising the sale or lease of the residential premises.

SIGN, ROOF. Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above a roof or roof eave.

SIGN, TEMPORARY. A display, informational, banner, or advertising object constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays, public demonstrations or construction signs identifying architects, engineers, contractors, and other individuals or firms involved with construction on property sites.

SIGN, WALL. A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

SECTION 2. **GENERAL:** The regulations established herein are designed to regulate signs in order to insure light, air, and open space; to reduce the hazards at intersections; to prevent the accumulation of trash; and to protect property values of the entire community. The regulations for signs, billboards, and other advertising signs, are indicated below as follows:

(A) **ALL DISTRICTS**: The following general regulations shall apply in all zoning districts:

(1) All signs described in " Section 1 Definitions" are allowed in the City of Atkins unless specifically prohibited or altered as hereinafter provided.

(2) No sign, whether temporary or permanent, shall be erected or maintained at any location in the city where by reason of its position, wording, shape, size, illumination, or color, it may obstruct, impair, obscure, or interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.

(3) No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such a manner as to interfere with, mislead, or confuse traffic.

(4) No flashing, animated or illuminated sign shall be permitted within twenty-five (25) feet of any Residential District.

(5) All signs, including billboards, shall be erected in conformity with the side and rear yard requirements of structures in the zoning district in which they are located, except that they shall be no closer than eight (8) feet from the street property line.

(6) No temporary sign shall be erected or otherwise affixed to any pole, tree, stone, fence, building, structure, or any object within the right-of-way of any street or at the intersection of any street in such a manner as to obstruct vision or be confused with any authorized traffic sign, signal, or device. Temporary signs shall not exceed thirty-two (32) square feet in area.

(7) Bulletin boards or signs appertaining to the lease, hire or sale of a building or premises may equal no more than thirty-two (32) square feet in area and must be removed as soon as the premises are leased, hired or sold.

(8) Political and real estate signs shall be exempt from obtaining a sign permit. Political signs shall be removed within one (1) week after the election date unless there is a run-off election, and then such signs shall be removed within one (1) week after the run-off election.

(9) No sign, awning, canopy or marquee will be placed in or protrude into a public right-of- way except in a Central Business District. In a Central Business District they shall not protrude more than three (3) feet over the public right-of-way and the bottommost portion of any such signs shall be no lower than eight (8) feet from the sidewalk.

(10) No sign shall exceed eighty (80) feet in height from ground elevation.

(11) Portable signs are allowed only in Commercial Districts subject to the provisions as provided in Section 2 (H) (3).

(12) Billboards are prohibited in all districts unless otherwise stated in this Ordinance.

(13) Fees for sign permits shall be determined by the Atkins Planning Commission based on the cost of the sign or time period it may be displayed.

(B) **RESIDENTIAL REQUIREMENTS**: The following standards shall apply in all Residential Districts:

(1) An identification sign for a home occupation shall not exceed four (4) square feet in area and must be attached to the structure it identifies. No such sign shall be lighted or contain lights.

(2) For any two-family or three-family dwelling, identification signs shall not exceed two (2) square feet in area. Identification signs shall be permitted for each dwelling unit and indicate nothing other than name and/or address of the occupant.

(3) For multi-family dwellings, groups dwellings and boarding houses, identification signs may equal no more than sixteen (16) square feet in area. Such signs shall indicate nothing more than the name and/or address of the premises, name of management and telephone number.

(4) Church, school or public building bulletin boards may equal no more than thirty-two (32) square feet in area. Such bulletin boards shall not be located in a manner so as to obscure or impair the vision of persons operating vehicles entering or leaving the premises where the sign is located.

(5) For each building or structure with street frontage, no more than one (1) sign shall be permitted.

(6) Identification signs for public institutions may equal no more than one hundred (100) square feet in area.

(C) **COMMERCIAL REQUIREMENTS**: The following requirements shall apply in all Commercial Districts:

(1) Advertising signs (as contrasted from identification signs) painted or attached to the sides of buildings advertising products, goods, or services unrelated to the use of the building are prohibited.

(2) Billboards are permitted only in C-2 Commercial Business Districts.

(3) Business signs on building facades shall be permitted on the basis of one sign per business not exceeding two (2) square feet of sign area for each one (1) linear foot of building facade, provided however the maximum total area of the sign for a facade of any business may equal no more than two hundred (200) square feet in area.

(4) Electronic message boards are permitted only in Commercial Business Districts.

(D) **INDUSTRIAL REQUIREMENTS**:

(1) There are no additional requirements for Industrial Districts.

(E) **AGRICULTURAL REQUIREMENTS**:

(1) There are no additional requirements for Agricultural Districts.

(F) **NON-CONFORMING SIGN:**

(1) No non-conforming sign, or any portion thereof, existing at the time this Ordinance is adopted may be altered as to size, height, location or user until said sign is made to conform to all of the regulations of this Ordinance.

(G) **ENFORCEMENT**:

(1) The provisions of this Ordinance shall be administered by the Permits Inspector and the Atkins Planning Commission.

(H) **PERMITS, PERMANENT, TEMPORARY OR PORTABLE**:

(1) No sign or billboard as defined by this Ordinance shall be constructed or erected in the City of Atkins prior to obtaining a sign permit. A sign permit will be issued only when the application has been approved by the Permits Inspector as meeting all the requirements of this Ordinance. All applications for a sign permit shall be accompanied by a plat or plan showing the actual dimensions of the lot, the size in area and height of the sign to be erected on the lot or building, information showing the cost of the sign or billboard such as an estimate or receipt from the company installing or building the sign, insurance binder or any other information required by the Permits Inspector, which in his opinion is necessary to determine whether the application will be approved. A record of all applications and plats or plans shall be kept by the Permits Inspector and the Atkins Planning Commission.

(2) No temporary sign, other than a portable sign, requires a permit, and may exist for no more than thirty (30) days, without permission of the Planning Commission, except as provided in Section 2 (A)(8).

(3) A portable sign requires a temporary permit issued for (30) (60) or (90) days and may exist only for the time specified on the permit at which time it must be removed, except as provided in Section 2 (A)(8).

(I) **PENALTY**

(1) Any person, corporation or other entity who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, or shall construct or erect any sign in violation of any plat or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be subject to a fine of not more than one-hundred (100) dollars. Each day such violation exists shall constitute a separate offense.

(J) **VARIANCE:**

(1) The Atkins Planning Commission shall hear requests for variances from the literal provisions of this sign ordinance in instances where strict compliance to the provisions of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.

(2) The commission may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of this sign ordinance.

(3) The commission shall not permit as a variance any use in a zone that is not permitted under this ordinance.

(4) The commission may impose conditions in the granting of the variance to insure compliance and protect adjacent property.

(5) A public hearing shall be held whenever an application for a variance is made to the commission. Notice of the public hearing stating the date, time and place of the hearing shall be published at the expense of the applicant in a newspaper of general circulation in Atkins, at least once not less than 7 days preceding the date of such hearing. Said notice shall list the name of the person or entity and street address where the variance is requested and a brief statement explaining the reason for the variance request. A fee of ($10.00) shall be required before an application will be heard.

SECTION 3: **EMERGENCY CLAUSE**: This Ordinance being necessary for the public peace, health and safety of the citizens of Atkins, an emergency is declared and this Ordinance shall become effective immediately upon its passage and approval.

Dated this 12-10-02

Brenda Graves
BRENDA GRAVES, CITY CLERK

Jerry D. Barrett
JERRY DON BARRETT, MAYOR