

ORDINANCE NO. 415

AN ORDINANCE OF THE CITY OF BARLING, ARKANSAS AMENDING ORDINANCE 267 AND REPEALING ORDINANCES 264, 304 AND 319 IN THEIR ENTIRETY AND ESTABLISHING REGULATIONS REGARDING SIGNAGE IN THE CITY LIMITS OF BARLING, ARKANSAS

WHEREAS, the City of Barling, Arkansas, by and through its Planning Commission and Board of Directors, has implemented Ordinance 267 to serve as its comprehensive Zoning Ordinance; and

WHEREAS, the Board of Directors of the City of Barling, Arkansas, has from time to time passed various ordinances regarding sign regulations since its passage of Ordinance 267; and

WHEREAS, it is the desire of the Board of Directors for the City of Barling, Arkansas, to consolidate all of the afore mentioned ordinances regulating signage within the City of Barling, Arkansas;

NOW, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS AS FOLLOWS:

A. Ordinances 264, 304, and 319 are hereby repealed *in toto* and Ordinance No. 267 ARTICLE VII, SPECIAL PROVISIONS of the City of Barling, Arkansas is hereby amended to add Section 23 as follows:

Section 23

REGULATION OF SIGNS

1. Purpose and Intent

It is the intention of the governing body of the City to amend by the adoption of this Section certain provisions of Ordinance No. 267 which previously regulated erection of signs within the City and to repeal any other ordinance(s) in conflict herewith.

2. Definitions

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Back-to-back sign shall mean a structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions and spaced no more than ten (10) feet apart.

Business sign shall mean a sign which directs the attention of the general public to a business, product, service or activity which is conducted upon the premises where such sign is located.

Erect shall mean to construct, build, raise, assemble, place, affix, attach, create, paint, draw

or in any other way bring into being or establish a sign. The term "erect" shall not mean a change in the advertising message or customary maintenance and repair.

Flashing sign shall mean a sign, the illumination of which is not constant in intensity when in use; except that illuminated signs which indicate the time, date, temperature and other public service information shall not be considered to be flashing signs.

Free-Standing sign shall mean any sign not attached or part of any building, but separate and affixed in or upon the ground. Included are pole signs, pylon signs and masonry wall type signs.

Frontage shall mean the distance along a property line which is also the right-of-way line of a dedicated public street.

Garage Sale sign: shall mean any temporary sign entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," "yard sale" or any other similar casual sale of tangible personal property, which is advertised by any means whatsoever whereby the public at large is or can be made aware of such sale.

Nonconforming sign shall mean any sign which does not meet the requirements of this Section.

Outdoor advertising sign shall mean a sign which directs the attention of the general public to a business, product, service or activity not usually conducted upon the premises where such sign is located.

Political sign shall mean a temporary sign directly associated with national, state or local elections.

Portable sign shall mean a business sign that does not exceed forty (40) square feet in area, can be moved from place to place and is not permanently affixed to the ground or to a building (excluding real estate and construction signs). Any sign that is over forty (40) square feet shall, for purposes of this ordinance, be considered a **business sign** or an **outdoor advertising sign**.

Promotional sign shall mean a sign erected on a temporary basis to promote the sale of products, new management, new hours of operation, and a new service or to promote a special sale.

Sign shall mean a structure or device designed or intended to convey information to the public in written or pictorial form. Signs erected by the state highway department, county road department or the city street department are not subject to the regulations.

Sign area shall mean the entire area within a single continuous perimeter enclosing the outer dimensions of the actual message or copy area. It does not include customary extensions or embellishments, nor any structural elements outside the limits of such display surface and not forming an integral part of the display. For double-face or V-type sign structures, only one (1) display face shall be counted in computing the actual sign area. The sign area permitted on any piece of property refers to the permitted combined total area of all signs on that property.

V-type sign shall mean a structure of two (2) signs in the shape of the letter "V" when

viewed from above and with their faces oriented in opposite directions.

3. Permitted business signs in residential zones

The following provisions apply to signs in residential zones:

(A) Residential Zones:

1. Temporary real estate and construction signs, not exceeding one (1) square foot in area for each ten (10) feet of frontage;
2. Daycare home: No sign permitted;
3. Residential accessory uses: No sign permitted;
4. Home occupations: No sign permitted;
5. Development identification signs, free-standing: One (1) sign per frontage not to exceed twenty-four (24) square feet per sign;
6. Development identification signs, facade: One (1) sign per each frontage wall not to exceed one (1) percent of wall area.

(B) Public buildings, adult daycare, semipublic buildings, public libraries, fire and police stations, museums, community centers, nursing and convalescent homes, clubs and lodges, dormitories, churches, rectories, monasteries, public, private and parochial schools, convents:

1. All free-standing signs shall not exceed a cumulative total of fifty (50) square feet; and
2. Facade (wall) signs shall not exceed five (5) percent of the outside wall on which the sign is located

(C) Communication towers, utility substations:

1. Signs shall not be permitted on tower or monopole structure;
2. Signs required for public health and safety or identification may be displayed on security fencing if placed in conformity with Section 7.

(D) Subdivisions, developments signs: One (1) sign per entrance, not to exceed twenty-four (24) square feet in area per sign.

4. Permitted business signs in O-1 Office and Quiet Business District Zones.

The following provisions apply to signs in transitional zones.

(A) Flat, single-faced signs may be mounted directly on the facade of a structure, provided that the total sign area does not exceed five (5) percent of the building facade area (building elevation area) as measured from the adjacent street right-of-way.

(B) Free-Standing type signs are permitted and shall conform to the following regulations:

1. Such signs, if illuminated, shall be illuminated with indirect lighting or, LED lighting, however no Red, Blue or Yellow LED must be non strobing lighting with at least a (5) five second delay between message change, and must not be distracting to oncoming traffic.
2. The maximum size of a free-standing sign for a lot or parcel fronting on any local street, identified from time to time by the City of Barling Master Street Plan, shall not exceed twelve (12) square feet;
3. The maximum size of a free-standing sign for a lot or parcel fronting on any collector street and arterial street, identified from time to time by the City of Barling Master Street Plan, shall be based upon the length of lot or parcel frontage as outlined as follows:

TABLE INSET:

Frontage Length	Maximum Signage Area
0--99 ft.	18 sq. ft.
100--199 ft.	24 sq. ft.
200 ft. or greater	32 sq. ft.

(C) If directional sign(s) are utilized within a development on a lot or parcel, the size of the direction signage shall be considered as part of the maximum sign area for the lot or parcel which contains the directional sign(s) and shall cause the allowable pedestal or monument sign area to be reduced by the amount of directional signage area.

5. Permitted signs in Commercial and Industrial Zones.

The following types of signs are permitted in Commercial and Industrial Zones.

(A) All free-standing signs shall not exceed one (1) square foot in area per linear foot of frontage with a maximum area not to exceed three hundred (300) square feet, not exceeding twenty-five (25) feet in height with a traffic sight triangle of greater than thirty (30) feet;

(B) All single face, facade (wall) signs are unlimited in size if placed directly on and are

contained totally within the dimensions of the outside wall;

(C) Outdoor advertising signs shall comply with Section 6.

6. Outdoor advertising signs.

(A) Outdoor advertising signs are to be considered as a specific use, rather than as an incidental use to an existing land use, in that outdoor advertising signs produce a revenue to the property owner as a land use while the advertising message carried by business signs does not produce a revenue, but is incidental to a revenue-producing land use. Because of the special characteristics of outdoor advertising signs as compared with other types of land uses and structures, certain qualifications and requirements are set forth below in connection with outdoor advertising signs as a permitted use;

(B) Outdoor advertising signs are permitted in all Industrial zones and in C-1 General Commercial and C-2 Open Display or Highway Commercial zones. They may be permitted in I-1 Industrial zones if the Planning Commission approves the specific location.

(C) No outdoor advertising sign structure of any size shall be permitted to be erected unless it is to replace an existing outdoor advertising sign that has been removed. No more than three (3) outdoor advertising sign structures (over thirty-five (35) square feet in area.) shall be permitted per 4.2 statute miles, no less than 1000 feet from an existing Outdoor Advertising Sign. All measurements shall be made along a line parallel to the street and from the center of the closest support pole.

(D) No outdoor advertising sign shall be permitted to be erected to exceed a sign area of three hundred (300) square feet, except that with special permission of the City Planning Commission this limit may be extended to six hundred (600) square feet.

(E) Within six hundred sixty (660) feet of the right-of-way of an interstate highway, no outdoor advertising sign structure designed to be primarily viewed from the roadway of such interstate highway shall be permitted to be erected closer than five hundred (500) feet to any other such sign structure on the same side of the right-of-way, as measured along a line parallel to such highway, except back-to-back signs.

(F) V-type outdoor advertising signs are not permitted except by variance request and approval.

7. General regulations.

(A) It shall be a violation of this division for any person to place or cause to be placed any sign on any property within the City without first obtaining a sign permit from the City building official or his designated agent, except as noted in Section 7 and Section 3.

- (B) The following signs shall be exempt from the provisions of this Section:
1. Window signs not exceeding three (3) square feet and limited to business identification, hours of operation, address and emergency information;
 2. Signs within a structure and not visible from the outside;
 3. Identification signs on construction sites;
 4. Political signs;
 5. Real estate signs for residential sales shall be one sign per street frontage not exceeding four (4) square feet in area provided it is unlit and is removed within 1.5 days after the close of escrow or the rental or lease has been accomplished;
 6. Real estate signs for the sale, rental, or lease of commercial and industrial premises: one sign per street frontage not to exceed sixteen (16) square feet in area to advertise the sale, lease or rent of the premises. The sign shall be removed upon sale, lease or rental of the premises or twelve (12) months, whichever comes first;
 7. Promotional signs.

(C) Signs shall not be erected or illuminated in such a manner as to obscure or otherwise interfere with an official traffic sign, signal or device, or to obstruct or otherwise interfere with the driver's view of approaching, merging or intersecting traffic.

(D) Signs shall not be erected which imitate or resemble any traffic sign, signal or device, or emergency vehicle lights, or which are erected or maintained upon trees or painted or drawn upon rocks or natural features, or which are structurally unsafe or in disrepair.

(E) All signs occurring in or over public rights-of-way shall be an official traffic sign placed in compliance with the Manual on Uniform Traffic Control Devices published by the U.S. Department of Transportation and/or Federal Highway Administration.

(F) Signage that is placed at intersecting streets in the triangular area (known as the sight triangle) shall be governed as follows:

1. Not more than thirty-six (36) inches in height;
2. At least twelve (12) feet to the bottom of the sign, except for not more than two (2) supportive posts which are not more than sixteen (16) inches in width or diameter.

The sight triangle is described as the area delineated by a distance of thirty (30) feet along the intersecting property lines, beginning at the property corner point and extending said thirty (30) feet in both directions away from the corner point of intersection and then connecting the terminus points by a line to form the triangular area.

(G) No flashing signs shall occur in or over any building setback or public rights-of-way.

(H) No sign base or support shall be erected in a public right-of-way.

(I) All businesses or parties having signs located within the city limits and which cease operation of the business or activity advertised by such signs shall remove such signs within sixty (60) days of such cessation of business.

(J) If any nonconforming sign is damaged or destroyed by any cause to the extent that its cost of repair exceeds fifty (50) percent of its replacement cost it shall be considered a total loss and shall not be permitted to be replaced.

(K) If a lot has frontage on more than one (1) street, each frontage will have its own permitted sign area. The frontages on two (2) streets may not be combined to determine the permitted sign area for one (1) frontage.

(L) All Garage Sale signs as defined in this Section posted within the City are required to conform to this ordinance and Arkansas Code Annotated §§ 5-67-101 and 5-67-103 regarding signs in the public right-of-way. A permit is not required for Garage Sale signs. A maximum of seven (7) signs shall be allowed per sale and no such sign, poster or advertisement shall be permitted to remain in a public place for a period longer than forty-eight hours (48) after the termination of the sale. If the person or entity responsible for the sale or person or entity responsible for the property on which the sale was held does not cause the removal of such signs, posters or advertisements within the time specified by this Section they shall be subject to enforcement action which carries the penalty of a Class C Misdemeanor.

8. Portable sign permits.

(A) It shall be unlawful for any person to place a portable sign on their property within the City of Barling without first obtaining a portable sign permit. The permit shall include a sticker placed on the sign for the approved site.

(B) Portable sign owners shall be given six (6) months from the date of this Ordinance to obtain a portable sign permit. A permit shall be required for each sign.

(C) An application for a portable sign permit shall contain the following information:

1. Name, address and phone number of the applicant for the sign;
2. A site plan showing the location and total square footage of each sign on the

property, including portable, business and outdoor advertising, including the distance of each sign from the curb line and/or property line;

3. Written approval of property owner for the portable sign location.

- (D) Every applicant shall pay to the City a fee of twenty-five dollars (\$25.00) for each permit, payable with business license fee if applicable. The permit shall be issued for a specific address, and should the portable sign be relocated, a new permit is required. Every portable sign permit shall be renewed before January of each year and when the portable sign is relocated to another site.
- (E) Should the portable sign have electrical power, it shall meet the requirements of the National Electrical Code.
- (F) Portable signs must be maintained, with all lights in working order if applicable. All letters must spell legible words that are not of a profane nature.
- (G) For the purpose of portable signs, the sign area measurement shall be a rectangular perimeter around the entire sign, the length of which is the maximum possible length of the sign, the width of which is the maximum possible width of the sign above the legs or other portable supports.

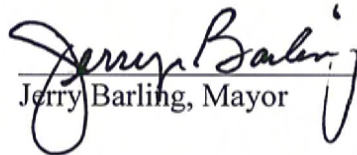
B. Amendment to Ordinance 267, Article V, Section 11

Ordinance 267, Article V, Section 11 is hereby amended to read thirty (30) feet for the site triangle.

C. Emergency clause.

These changes are necessary in order to clarify and consolidate the numerous ordinances concerning signage within the City of Barling, Arkansas, and therefore an emergency is hereby declared to exist such that this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED by the Board of Directors of the City of Barling, Arkansas this 13th day of January 2015.


Jerry Barling, Mayor

ATTEST:


City Clerk, Florene Brown

