

ORDINANCE NO. 1334

**“AN ORDINANCE AMENDING THE HARRISON ZONING
CODE SECTION 14.15 TO ESTABLISH COMPREHENSIVE
“SIGN” REGULATIONS FOR THE CITY OF HARRISON;
AND DECLARING AN EMERGENCY”**

BE IT ORDAINED by the City Council of Harrison, Arkansas, that the Harrison Zoning Code is hereby amended to establish Code Section 14.15 as a comprehensive “sign” ordinance; that three (3) copies of the zoning regulation for the City of Harrison are on file with the City Clerk and are available for public use and review.

EMERGENCY CLAUSE: This ordinance being found necessary for the immediate protection and future growth of the citizens of Harrison, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage, filing and publication.

PASSED AND APPROVED this **24th** day of **March, 2011**.

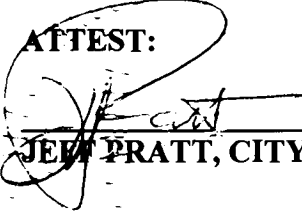
CITY OF HARRISON, ARKANSAS

BY:



JEFF CROCKETT, MAYOR

ATTEST:



JEFF PRATT, CITY CLERK

SECTION 14.15 SIGNS

14.15.1 Purpose: The requirements established herein are designed to regulate sign structures in order to insure light, air, and open space; to reduce hazards at intersections; to prevent accumulation of trash; to control and coordinate the type, placement, and physical dimensions of signs within the various zoning classifications; and to protect property values of the entire community. The requirements for signs, and other advertising structures are described in this Article.

14.15.2 Definitions

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

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, Customary Maintenance: Repair, replacing of borders, structural members like in kind, or copy.

Sign, Directory: A sign, usually of ladder construction, listing the tenants or occupants of a building or group of buildings.

Sign, Flashing Strobe: Any directly or indirectly illuminated sign that strobes artificial light or color effects is prohibited.

Sign, Freestanding: Any nonmovable sign with one or more poles, 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, also known as a monument sign.

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.

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, Mural: Any piece of artwork painted directly on a wall or other large permanent surface.

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 a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, On premise: A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location on which the sign is located.

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 public roadway.

Sign, Roof: Signs mounted on any roof or any sign not mounted on a vertical surface.

Sign, Temporary: A sign constructed or intended for 60 days or less, and not permanently attached to the ground, a building, or structure. Temporary signs shall include signs made of non-durable material, specifically cloth, canvas, paper, cardboard, flexible vinyl, coated paper or canvas, or organic material.

Sign, Wall: Signs on the walls of a building (including signs attached flat against the wall, painted wall signs) other than murals.

14.15.3 General Provisions: The following general provisions govern the permitting of signs in Harrison.

a) A permit shall be required for the erection, size alteration, or reconstruction other than customary maintenance of any sign, subject to structural or electrical modifications 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, or defaced.

d) 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 interfere with safe traffic movement.

f) No free standing or ground sign shall be erected within 50 feet of any adjoining Residential District boundary line if the sign faces perpendicular to the street that the building faces. Further, no lighted or flashing sign of any type shall be erected within 150 feet of an adjoining Residential District boundary line if the face of such sign is perpendicular to the street that the building faces.

g) Residential signs shall be governed by the Harrison Zoning Regulations Chapter 14.08 (Home Occupation).

h) Off premises signs exceeding 32 square feet shall be restricted to the US Highway 62/65/412 corridor and Highway 62/65/412 Business Route.

i) 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, or conflict with any public control or device.

j) 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.

k) If required by the Code Enforcement Official, supporting structures will be designed and plans stamped by a Professional Engineer registered in the State of Arkansas.

l) Should a sign be removed involuntary it shall be allowed to be replaced to its original height, size, & location and shall meet all utility safety requirements.

m) No truck, automobile, van, 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 temporary advertisement.

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

- a) Official traffic or governmental signs;
- b) Customary maintenance;
- c) Window displays;
- d) Product dispensers;
- e) Scoreboards on athletic fields;
- f) Sponsorship signs at public athletic fields or venues.

- g) Flags of any nation, government, or non-commercial nature;
- h) Commemorative signs, tablets, or plaques;
- i) Signs required to be maintained by law or governmental order, rule, or regulation;
- j) The display of street numbers;
- k) Off premise open-house signs for the day on which the open-house is conducted;
- L) Signs or displays on service or delivery vehicles in their normal performance of businesses.
- m) Political signs prior to a certified election date.

14.15.5 Prohibited Signs: The following signs are prohibited in the City of Harrison.

- 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.
- 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) Signs painted on or attached to trees, utility poles, public property, or traffic control devices.

14.15.6 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 signage shall not exceed twenty percent of the square footage of the wall to which it is attached. No more than 10 percent of any sidewall or rear wall may be covered if abutting a residential zone. Lighting of sidewall or rear wall signs abutting a residential zone shall be limited to landscape down lighting only.
 - (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) Murals may exceed 20% & and shall be approved by the Harrison Planning and Zoning Commission.

b) Free standing or ground signs: Signs on poles where permitted are subject to the following standards:

(1) A building shall be permitted to have one ground or free standing sign for each street frontage.

(2) The maximum height of a free standing sign shall be 35 feet in all "C" Districts unless approved by the Harrison Board of Zoning Adjustment.

A. Exception:

Signs in the 62/65/412 corridor may be 45 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, or 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 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. Such sign shall be removed prior to issuance of a Certificate of Occupancy.

e) Temporary subdivision signs: Temporary signs not exceeding 64 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 15 feet from the right-of-way of any street or from any boundary line of the land subdivision. Such signs shall be located at any entrance to the Sub Division from a Public Way. They shall be removed when 75 percent of the lots are conveyed.

f) Neon signs. Signs which utilize neon lighting, either for the body of the sign or its border, shall comply with all relevant local, state, federal electrical requirements and all components shall be UL or CSA approved.

g) Portable signs other than Real Estate. The Code Enforcement Official may issue a temporary permit for the placement of a portable sign on an individual commercial site

for a period not to exceed 60 days in any 6-month period. Signs shall be so constructed and a diagram enclosed to show anchorage to withstand minimal wind load. Electrical service for illuminated signs shall meet the provisions of the city electrical code.

h) Real Estate Signs: In any residential district, real estate signs may not be larger than six square feet in size and only one sign is allowed for each side of the structure that faces a public street. Real Estate portable signs larger than 32 square feet in commercial districts shall be allowed with a special permit from the Code Enforcement Official.

14.15.7 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, size alteration, or relocation of a sign, when allowed by this article, shall be made to the Code 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) Structure and/or support details;
- c) Location of sign in relation to street(s), property line(s), buildings, and private drives;
- d) Location of any property lines that may be affected by the sign;
- e) Copy of agreement with property owner for off premises signs or their designated representative if property is leased.
- f) Engineered drawings if required; (stamped and signed by an Engineer licensed to practice in the State of Arkansas)
- g) Any other information required by the Code Enforcement Officer that may be necessary to ensure compliance with all applicable municipal codes and state statutes.
- h) Sign permits are reviewed only by the staff unless the staff determines that issues other than an individual sign would require site plan review by the planning commission.

14.15.8 Signs for which permit is not required: A permit is not required for the following types of signs in any district.

- a) Traffic, directional, warning, or information signs installed in performance of their duties by any public agency.
- b) Official notices issued or required by any court, public agency or officer.
- c) On premises Church bulletin boards or one non-illuminated “for sale”, “for rent” or “for lease” sign located not on the street right-of-way line, unless attached to the front wall of a building, and not exceeding:
 - (1) six square feet in area in residential districts; or,
 - (2) 32 square feet in districts other than residential districts.
- d) Home occupation signs.

- e) Maintenance of a sign or for a change of copy on painted, printed, or manual changeable copy signs.
- f) Political Signs, 6 square feet or less.
- g) Real estate signs, 6 square feet or less.
- h) Yard Sale Signs 6 square feet or less
- i) Commercial and Industrial districts on premises temporary sign, not exceeding 32 square feet, or event sponsorship temporary signs not exceeding 64 square feet.

14.15.9 Fees. As 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.

14.15.10 Term of Permit. Each permit shall be valid until the sign is removed or structurally altered.

14.15.11 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 Code Enforcement Officer shall have the right under Section 14.15.18 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.

14.15.12 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, subject to the requirements of Section 14.15.
- c) Real estate signs as further restricted herein.
- d) Political signs, although they shall be removed within 7 days following the election.

14.15.13 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 14.15.12
- b) Signs larger than two square feet but not larger than 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.
- c) One subdivision identification sign per entrance per neighborhood, Subdivision or development.
- d) Temporary signs advertising garage or yard sales, provided that such signs shall be removed within 24 hours after the end of the sale.

14.15.14. 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-1” districts.
- (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” or approved murals.
- (3) For on premises uses, business signs shall be permitted on the basis of signage not exceeding 20% of building façade. See Section 14.15.6 a) (1)
- (4) 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.
- (5) For free standing and ground signs see Section 14.15.6 (b) (c)

b. Signs in the C-2, Districts: In the C-2 District, signs are permitted, subject to the following regulations:

- (1) All those signs that are permitted in the residential “R” & C-1 districts are allowed in Commercial “C-2”.
- (2) Free standing business on premises signs, signs shall not exceed 80 square feet except that the display space may be increased two square feet for each foot of street frontage beyond 100 feet to a maximum display area of 120 square feet.

One 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. 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 freestanding 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. Where a C-2 abuts 62/65/412 or Business Route, refer to 14.15.14 (C-3 & C-4).

c. Signs in the C-3 and C-4 District

In the C-3 and C-4 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 on premises sign per lot or commercial street frontage is permitted; the size of this sign shall not exceed 300 square foot per side for each building facade fronting a public street. Such sign shall be mounted on the principal structure/building or may be free standing and or roof signs.
- (3) Off premises signs shall be permitted in the Highway 62/65/412 and Business corridor only, and shall be limited to 300 square feet per face and 2 faces per side, or a single face not more than 650 sq. ft. per side and shall be restricted to Hwy 62/65/412 corridor only. Each sign structure shall have a minimum spacing of no less than 100 linear feet per travel way, and on 62/65/412 corridor shall not exceed 45’ in height.

14.15.15 Signs Permitted in Industrial Districts.

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

- (1) Other than 62/65/412 only “On Premises Signs” advertising the Name or type of Business.
- (2) The total height of the sign structure shall not exceed 45 feet in height including sign structure unless approved by the Harrison Planning Commission.
- (3) Signs shall be set back 15 feet from front property line or Street easement whichever is greater.

14.15.16 Signs Permitted in the PUD District

- a) Signs in the PUD districts shall be approved as part of the approval process for the development.

14.15.17 Reserved

14.15.18. Violations The following regulations govern violations of this section.

- a) When, in the judgment of the Code Enforcement Officer, a violation of this article exists, the Code 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 Code 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 Code 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 30 days of the date of the order.
- c) In the event of a failure to comply with the order of the Code Enforcement Officer, the City may institute legal proceedings including, without limitation, 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.

14.15.19 Grandfather Clause. The following regulations shall govern this clause;

- a) Signs in existence upon the passage of this Ordinance shall be allowed to Remain in place until such sign becomes deteriorated, voluntary removed or size changed or declared illegal by the Code Enforcement Official of the City of Harrison, AR.

Section 14.16.16: Zoning Map

- A. The use zones described herein are designated on a map titled "Official Zoning Map of the City of Harrison, Boone County, Arkansas" and said map is a part of this code. Lines indicating the boundaries of the use districts on the zoning map are intended to follow city lines, center street rights-of-way, existing property lines, and center of main channel of creeks. The official zoning map is on file at the office of the Public Works Director, City of Harrison, Arkansas.