

ORDINANCE NO. 7.9

AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING THE PLACEMENT AND MAINTENANCE OF SIGNS IN THE CITY OF FARMINGTON, ESTABLISHING HEIGHT, AREA AND OTHER RESTRICTIONS FOR SAID SIGNS AND DECLARING AN EMERGENCY.

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

WHEREAS, A.C.A. §14-56-402 provides for cities of the first class shall have the power to adopt and enforce plans for the coordinated, adjusted and harmonious development of the municipality and its environs; and

WHEREAS, the Farmington Planning Commission, after careful thought and review, has prepared regulations governing the placement and maintenance of signs in the City of Farmington; and

WHEREAS, a public hearing was held regarding the proposed changes to the existing Sign Ordinance in accordance with A.C.A. §14-56-422.

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

SECTION 1: The purpose of this Ordinance is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the City of Farmington. The standards are designed to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of signs without creating detriment to the general public.

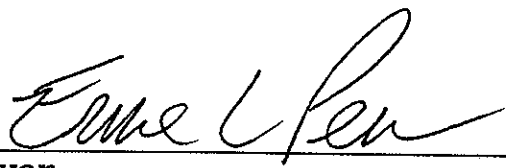
SECTION 2: That the regulations governing the placement and maintenance of signs are attached hereto as Exhibit "A" and is hereby incorporated in its entirety by reference.

SECTION 3: All other Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4: That the City Council of the City of Farmington, Arkansas, further determines that this Ordinance is necessary to adequately and properly protect the inhabitants of the City; therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this 9th day of July, 2001.

APPROVED:



Mayor

ATTEST:



City Clerk/Recorder

EXHIBIT "A"

REGULATIONS OF ORDINANCE 7.9 GOVERNING THE PLACEMENT AND MAINTENANCE OF SIGNS

Sign Procedure Overview

In an effort to ensure compliance with this Ordinance, all signs require permits through the City of Farmington Building Inspection Department except where otherwise stated within this Ordinance.

1.0 Purpose

The purpose of this section is to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment, and the community's ability to attract sources of economic development and growth; to eliminate physical and visual clutter; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of sign regulations.

The effect of this section is:

- 1) To establish a permit system that allows a variety of types of signs on business premises and a limited variety of signs on other premises, subject to this Ordinance and its permit procedures.
- 2) To prohibit off-premise advertising signs, except where in total compliance with this Ordinance.
- 3) To allow a variety of types of noncommercial signs subject to the same and permit requirements that control on-premise signs.
- 4) To prohibit all signs not expressly permitted by this Ordinance.

2.0 Definitions and Interpretations

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs,

trade names, or trade marks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. This definition includes the structure or the face on which a sign message is displayed. For the purposes of this Ordinance, this definition shall not include "trade dress" i.e.: architectural features identified with a product or business, as a sign.

Awning Sign: A sign which is a part of a fabric or other non-structural awning.

Banner: A lightweight fabric or similar material which is permanently mounted to a pole either enclosed in a frame or mounted to allow movement caused by the atmosphere.

Canopy Roof: A permanent, decorative porch or walkway cover other than an awning which is attached to a building or supported by columns extending to the ground.

Changeable Copy Sign: Any sign where letters or numbers displayed on the sign can be changed periodically on the sign to display different messages.

Common Signage Plan: A plan for all signs associated with a development project. If the project consists of several buildings or businesses which are related in a single development, the signage plan shall include all signs within the development including out parcels. The signage plan elements shall include: colors, dominant lettering style, location, materials, and size.

Construction Sign: A sign which identifies architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building, and/or the expected completion date.

Door Sign: A sign which is attached to, painted on or etched onto or into a door. A sign in a window which is part of a door is a door sign for the purposes of this section.

Freestanding Sign: A sign which is not attached to a building and permanently attached to the ground by one or more supports. There are two (2) types of freestanding signs:

- 1) Low stature freestanding signs (ground or monument signs)
- freestanding signs in which the distance from the ground to the highest point of the sign is five (5) feet

or less.

- 2) High stature freestanding signs - freestanding signs in which the distance from the ground to the highest point of the sign is more than five (5) feet.

Historical or Memorial Marker: A sign or tablet attached to a building, indicating the date of construction and/or the names of the building or the principals involved in its construction. Also an attached sign on designated bona fide historic buildings.

Incidental Sign: An on-premise sign giving information or direction for the convenience and necessity of the public such as "entrance", "exit", "no admittance", "telephone", "parking", etc.

Marquee Sign: A sign used to identify a theater, auditoriums, or assembly halls or a sign projection over the entrance to same.

Maximum Sign Area: The aggregate square footage of sign area on a lot or building. For lots fronting on more than one street, the maximum sign area shall be the allowable sign area for each street frontage. Maximum allowable sign area may not be transferred from one street frontage to another.

Noncommercial Sign: A sign which is not an on-premise or off-premise sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

Obsolete Sign: A sign relating to or identifying a business or activity which has not been conducted on the premises for sixty (60) days, or to a transpired election or event, or to a political party or non-profit organization that no longer exists; in addition, the structure for a sign that is not allowed under this ordinance if such structure cannot be used for a legal use or does not comply with the height, size, or other physical requirements of the ordinance, or a sign which has missing or broken panels, broken or damaged supports or frame, or otherwise displays inadequate maintenance, dilapidation, obsolescence or abandonment.

Off-Premise Sign, Off-Site Sign, or Billboard: A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located, or which business, commodity, service or entertainment forms only minor or incidental activity upon the premises where the sign is displayed. The sale of a commodity is considered a minor activity if the commodity advertised is a specific brand or if the advertising

content is not directly controlled, or has in the past not been directly controlled by the operator of the on-premises business. These product-oriented signs shall be considered on-premises signs if they comply with on-premise sign requirements.

On-Premise Sign or On Site Sign: A sign which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs: with attached wheels; converted to A- or T- frame signs; menu and sandwich board signs; gas, air or hot air filled displays; signs attached or painted on vehicles parked and visible from the right-of-way, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business.

Projecting Sign: A sign forming an angle with a building which extends from the building and is supported by the building.

Public Sign: A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.

Real Estate Sign: A sign advertising the premises for sale, rent or lease.

Roof Sign: A sign which is higher than the roof to which it is attached. Signs attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered wall signs. Signs on mansard or canopy roofs are considered wall signs.

Sign Area: The sign area is measured by finding the area of a rectangle, circle or triangle which fully encloses the sign message, including background and logos but not including supports or braces. For multi-faced signs, sign area shall be computed from the vantage point which gives a view of the largest amount of sign area. If two (2) identical signs are back to back, and are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

Sign Height: The height of a sign shall be the vertical distance from curb level to the highest point of the sign. Any berming or filling or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.

Suspended Sign: A sign which is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane.

Temporary Sign: Any sign which is intended for temporary use or which is not permanently mounted and intended for a designated period in time.

Wall Sign: Any sign, other than a projecting sign, which is attached to or painted on any wall of any building and projects from the plane of the wall less than twelve (12) inches. This definition shall not include freestanding walls. A sign attached to the lower slope of a mansard or canopy roof, or a sign affixed to or forming an awning or a canopy, shall be considered a wall sign for purposes of this ordinance, notwithstanding the fact that certain portions of such a sign may project more than twelve (12) inches. For purposes of this section only, a "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building. For signs higher than the roof, see "Roof Signs:."

Window Sign: Any sign which is not a temporary sign and which is attached to, painted on or etched into a window or which is displayed within twelve (12) inches of the window and is legible from outside the window.

3.0 Signs Permitted in all Zoning Districts Without a Permit

The following shall be permitted in all zoning districts. No sign permit shall be required.

1. Any federal, state or local traffic control or other public sign.
2. Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance.
3. Works of art which do not identify a business, product or service.
4. Hand carried noncommercial signs.
5. Temporary lighting and displays that are part of customary holiday decorations, provided that they contain no commercial message and are not located in the right-of-way. Displays and lighting associated with holiday celebrations shall not be illuminated before November 1, and shall not be illuminated after January 15.
6. Any sign not legible either from any public right-of-way or from any lot or parcel other than the parcel on which such signs are located or from an adjacent lot or parcel under common ownership with the lot or parcel on which such sign is located. Such sign shall not exceed

six (6) feet in height if freestanding and thirty-two (32) square feet in area per side regardless of structural type.

7. Temporary signs placed in or on window provided such signs in combination with other window signs do not exceed twenty (20) percent of the window area and provided such signs in combination with all other signs on the lot do not exceed the maximum permitted sign area for the lot.
8. Customary identification signs, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs. Such signs shall not exceed three (3) square feet in area per sign.
9. U. S., State, Municipal, or Corporate Flags
10. Traffic control signs on private property such as "stop", "yield", and similar signs, the face of which meet Arkansas Department of Transportation standards and which contain no logo or commercial message. Such signs shall not exceed eight (8) square feet per sign.
11. Incidental signs which do not exceed three (3) square feet of area per sign. The signs shall not exceed four (4) feet in height and shall not contain any logos.
12. Yard sale signs which do not exceed six (6) square feet in area per sign are limited to one (1) per lot and must be removed one (1) day after the event.
13. Vending machines, automatic tellers, or gasoline pumps which display the name, trademark or logo of the company or brand or prices provided the display is an integral part of the machine or pump and does not exceed thirty-two (32) square feet in area per side.
14. Construction signs in residential districts which do not exceed six (6) square feet in area and six (6) feet in height and which are limited to one per lot. The sign must be removed prior to the issuance of a Certificate of Occupancy.
15. Real estate signs in residential districts which do not exceed six (6) square feet in area and six (6) feet in height for freestanding signs and which are limited to one per street frontage and one wall sign per dwelling unit.
16. Real estate signs in nonresidential districts which do

not exceed thirty-two (32) square feet in area per sign, and do not exceed eight feet in height for freestanding signs and which are limited to one freestanding sign per street frontage. One wall sign per building facade is permitted if the entire building is for sale or lease. One wall sign per leasable unit is allowed if portions of the buildings are for sale or lease.

17. Announcements by public or non-profit organizations of fund raising events, special events or activities of interest to the general public, other than political signs. Such signs shall not exceed six (6) square feet in area for residential uses in residential districts and twenty-five (25) square feet in area for nonresidential districts. Signs shall be limited to one per event. The sign may be erected up to two (2) weeks prior to the event and shall be removed within seven (7) days after the event.
18. Temporary political signs erected in connection with elections or political campaigns provided that:
 - a. Such signs are prohibited on utility poles and may not obstruct drivers vision clearances at an intersection.
 - b. Such signs shall not be posted earlier than sixty (60) days prior to a primary, general or special election and are to be removed within three (3) days after the election.
 - c. Such signs shall not exceed eight (8) feet in height.
 - d. Such signs shall not be placed in public right of ways.
 - e. Signs found to be in violation of this section may be removed by Code Enforcement Officers or Farmington Police Department personnel.
19. Attached or freestanding historic or memorial markers erected by a governmental agency or private, nonprofit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state or county wide basis or to properties within a duly authorized local historic district. Such plan or program must employ uniform standards of eligibility and the sign or marker must commemorate a person, building, place or event or historical, civic, cultural, natural historical,

scientific, or architectural significance. Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or similar weather proof material. Freestanding signs shall not exceed eighteen (18) square feet in area. Signs attached to buildings shall not exceed six (6) square feet in area.

20. Signs in public parks of a noncommercial nature erected by a government agency such as directional signs, rules signs, safety signs or site identification signs. Such signs shall not be greater than eight (8) feet in height.
21. Banners provided they are either solely decorative or are noncommercial and do not display a logo, message, statement, or expression relating to commercial interests. Such banners shall not be included in the computation of total sign area on a property. Banners which display a logo, message, statement, or expression relating to commercial interests are considered signs which require a sign permit by this ordinance and shall conform to the requirements for suspended signs, projecting signs or freestanding signs depending on the method of installation and support. Banners are permitted in all districts subject to the following regulations:
 - a. Each banner shall be at least six (6) square feet in area but less than thirty-six (36) square feet in area and all banners on the same lot shall be consistent in terms of colors and materials used.
 - b. Each banner shall be individually attached to a pole, mast arm or other structure.
 - c. An overall signage plan shall be approved when multiple banners are placed on a lot.
 - d. All banners shall be maintained in good condition.
22. Commercial signs within City stadiums (High School Football and Baseball Stadiums).
23. Directional signs for the sale or rent of residential property:
 - a. The signs shall not be placed in the right-of-way and shall be maintained in a good condition.
 - b. The signs contain only directional information (i.e. directional arrows, "left 100 yards", "2nd right", etc.) and "home for rent", "open house", "new homes

for sale" or the name of the project. Other information such as the name of a builder or real estate company is prohibited.

- c. The signs are temporary signs unlit, and limited to two (2) square feet per side for a single user or four (4) square feet per side when shared by multiple projects. The sign message may be placed on each side of the sign. The signs shall not exceed four (4) feet in height and shall not obstruct vision clearances.
 - d. In order to avoid the placement of a series of signs along several miles of roadway, no more than five (5) signs shall be allowed per project (or per property when a single dwelling is for sale or rent). Signs shall be placed no farther than two (2) road miles from the project or property for which directions are given.
 - e. Up to two (2) directional signs are allowed at intersections. However, each user is allowed only one (1) sign per intersection. Therefore, each of the signs must identify different users. If the number of signs at an intersection exceeds two (2) all directional signs may be removed by a Code Enforcement Officer or Farmington Police Department personnel.
 - f. Signs for properties for sale shall be removed when a contract is closed on the final property.
 - g. To encourage assistance in compliance with these requirements, the Code Enforcement Officers may notify the Board of Realtors or the Home Builders Association regarding violations of these provisions. Signs in violation of these requirements may be removed.
24. Signs on farms (A-1 Agriculture District) subject to the following requirements:
- a. The sign serves to advertise the sale of products which for the most part are grown or produced on the premises. The signs shall be removed during seasons when sales have ceased.
 - b. The farm is at least five (5) acres in size and is registered with the U. S. Department of Agriculture's Farm Service Agency (FSA).

- c. The signs shall be set back at least fifteen (15) feet from the right of way and at least fifty (50) feet from the intersections so that they do not interfere with vision clearances on roads.
 - d. The signs shall not be lighted.
 - e. The signs shall not exceed sixteen (16) square feet in area per side and eight (8) feet in height, and not more than one (1) sign per one thousand (1000) feet of road frontage of farm property. If more than one sign is allowed, the signs shall be at least five hundred (500) feet apart. If the farm property fronts on more than one road, each frontage shall be considered separately.
 - f. The signs shall comply with all other applicable provisions of the zoning ordinance.
 - g. Agricultural properties that wish to apply for permanent signs may do so by permit under the provisions of section 8, infra, but in that event, additional unpermitted signs shall not be allowed.
25. Signs visible only from the interior of a structure, such as in a mall, where they are not visible from a public right of way or public space.
26. Directional Signs for local churches.
- a. Such signs shall not exceed six (6) square feet in area or eight (8) feet in height.
 - b. Such signs must not obstruct site distances at intersections or otherwise create a hazardous condition for vehicular or pedestrian traffic.
 - c. Such signs require written property owner permission.
 - d. No more than four such signs shall be placed for any given church.
 - e. Such signs may only bear the name and address of the church with direction and distance to the church.
 - f. Failure to comply with these requirements will cause the removal of the signs.

4.0 Signs Permitted in Public Rights-of-Ways Without a Permit

The following signs shall be allowed within public rights-of-way. No sign permit shall be required.

1. Public signs erected by the city, county, state or federal government.
2. Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.
3. Signs identifying a recognized community, subdivision or development provided that such signs are approved by the Farmington Planning Commission, included on the preliminary plat, large-scale development plat and final plat; and are consistent with an approved overall sign plan, site plan or subdivision plat.

5.0 Prohibited Signs

The following signs shall be prohibited, and may neither be erected nor maintained:

1. Lights strung across buildings or property, except those allowed under section 3, paragraph 5.
2. Signs with animated, blinking, chasing, flashing, or moving effects; however, this provision shall not prohibit signs with an alternating display of time or temperature, which may be alternated with one additional message.
3. Rotating or revolving signs.
4. Fluttering, spinning, windblown or inflated devices including pennants, propeller discs, flags or banners which do not conform with the requirements of this ordinance.
5. Portable signs.
6. Off-premise, off-site or billboard signs, except those which existed on or before the effective date of this ordinance in the City of Farmington and which are permitted as nonconforming signs pursuant to section 9.4(1)(b); are located along federal aid primary highways or interstate highways which are regulated by state and federal law; and were erected and are permitted and maintained in compliance with state regulations and this ordinance. Off-premise, off-site or billboard signs include any sign which has been used as an off-premise sign at any point after the effective date of this

ordinance.

7. Obsolete signs or signs which have broken supports or are overgrown with vegetation.
8. All other signs which are not expressly exempt from regulation and expressly permitted under this section.
9. Any sign which constitutes a traffic hazard including, but not limited to, signs located within the sight triangle of an intersection.
10. Signs which block entrances or exits to buildings.
11. All signs, including supports, frames, and embellishments, which are located within a public right-of-way and/or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or on public property, except as allowed elsewhere in this section.
12. Signs on sidewalks, whether on public right-of-way or privately owned property.
13. Roof signs that are higher than the roof to which it is attached.

6.0 Administration of Sign Permits

Certain signs shall be allowed with sign permits. Sign permits for signs allowed in conformance with Section 8 shall be issued by the Inspections Department in accordance with the following procedures.

6.1 Common Signage Plan

Prior to issuance of any sign permit in a development containing several buildings or businesses, a common signage plan for the development shall be reviewed by the Planning Commission, and if approved, filed with the Inspections Department. In the case of any conflict between the signage plan and the zoning ordinance, the ordinance shall apply.

Drawings, sketches and/or photographs shall be submitted and kept on file to demonstrate the common signage plan.

The common signage plan shall consist of three (3) elements:

- A. **Location:** Identification of sign locations on buildings or property.

- B. **Materials:** Description of the type of sign and sign materials including construction materials and proposed lighting if any.
- C. **Size:** The number of signs and itemization of sign size(s) at identified locations.

Where more than one sign is located on a property, or where more than one building or business is located in a single development project, such as a shopping center, the common signage plan will demonstrate that these elements create consistency and uniformity among signs with the project. The requirements of a common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided.

Revisions or amendments to the common signage plan shall require documentation from all tenants on the property prior to approval in addition to Planning Commission approval.

Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Inspection Department.

6.2 Applications and Fees for Permits

Applications for permanent and temporary signs shall be submitted on forms provided by the Inspections Department. The completed application shall be accompanied by the specified fee and the following information:

1. Name, address and phone number of the property owner, sign owner and sign installer.
2. Drawings showing the design, location, content, and dimensions of the sign and the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window or the ground.

Every applicant, before being granted a permit hereunder, shall pay to the building inspector's office the permit fee of \$25 plus \$1 per square footage of sign display area. If a variance from the sign ordinance is being requested, a non-refundable filing fee of \$350 must be paid with the submission of the variance request.

6.3 Approval and Inspection

After a review of the application by the Inspection Department determines that the sign meets zoning, electrical, and SBCCI

Building Code requirements, the applicant shall receive a permit to erect or install the approved signs.

1. **Permanent Signs:** The applicant shall request an inspection after installation of the signs. If the signs are found to be in compliance, the applicant shall receive a permanent seal which identifies the sign. The applicant shall attach the identification in a conspicuous location which is accessible to an inspector. It is recommended that businesses place the permit in a lower corner of the front door of the business in those cases where the seal is not completed within six (6) months or the signs are not in conformance with the approved application. The Inspections Department may grant one thirty (30) day extension to the sign permit. Valid sign permits may be assignable to a successor of the business provided new owner(s) submit updated business operations information to City.
2. **Temporary Signs:** One temporary sign may be allowed for a maximum period of fifteen (15) days for special events two (2) times per year. Permits for temporary signs shall not be issued for consecutive time periods. The approved time period shall be specified on the permit. A common signage plan shall not be required for temporary signs. Additional requirements are described in Section 8.9.

6.4 Enforcement and Revocation of Permits and Sign Removal

1. If the Building Inspector or authorized personnel shall find that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, is abandoned or maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of this Ordinance, he shall give written notice to the sign owner or property owner thereof. If the sign owner or property owner fails to remove or alter the sign or advertising structure so as to comply with the standards set forth in this Ordinance within 30 days, such sign or other advertising structure may be removed or altered. Any expense incidental to such removal or alteration shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property.
2. The Building Inspector or authorized personnel may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily without notice. Such signs or other

advertising structures are hereby declared to be a public nuisance.

3. When a business fails to remove the sign of the business that has ceased operation for a period of time in excess of 60 days, the Building Inspector or authorized personnel shall issue a written notice to the sign owner and any lessee and to the property owner, which notice shall state that such sign shall be removed within 60 days. If the sign owner or lessee, or property owner, fails to comply with such written notice to remove, the Building Inspector or his authorized personnel is hereby authorized to cause removal of such sign, and any expense incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purpose of this section, the word "remove" shall mean:

- a. The sign face, along with posts, columns, or supports of freestanding signs, shall be taken down and removed from the property.
 - b. The sign face and supporting structures of "projecting", "roof" or "wall" signs shall be taken down and removed from the property.
 - c. The sign face of "painted wall signs" shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.
4. Sign permits shall be revoked if a sign is found to be in violation of this Ordinance.
5. Any person, firm or corporation violating any provision of this Ordinance shall be fined \$150 for each offense in addition to Court costs and all costs incurred by the City of Farmington to remove the sign, including but limited to, the cost of labor and equipment necessary for the removal of the sign. Pursuant to Arkansas Code Annotated §14-56-421, any violation of the Ordinance shall be considered a misdemeanor, with each day's violation considered a separate offense.

The cost of the removal of the sign is a criminal penalty shall be in addition to filing a lien against the property on which the sign is located as provided herein. The City of Farmington may also seek an injunction to enjoin any individual or property owner who is in violation of this Ordinance to prevent or correct the violation. Any individual aggrieved by a violation of the Ordinance may request an injunction against any individual or property owner in violation of the

Ordinance as provided by Arkansas Code Annotated §14-56-421(b)(2).

7.0 Total Maximum Amount of Sign Area Permitted For Freestanding Signs and Set-Back Requirements

The maximum allowable aggregate sign area for freestanding signs in a project shall be as follows:

1. Buildings within Residential Office (R-0) Zoning Districts are allowed one freestanding sign. Maximum height - six feet; maximum area - 24 square feet or one wall sign, maximum area - 24 square feet.
2. Buildings within the Neighborhood Commercial Zoning District (C-1) are allowed one freestanding sign per frontage. Maximum height - 24 feet; maximum area $\frac{1}{2}$ square feet of sign area for each linear foot of lot frontage.
3. Buildings within the General Commercial Zoning District (C-2) are allowed one freestanding sign per frontage. Maximum height - 35 feet; maximum area - $\frac{1}{2}$ square foot of sign area for each linear foot of lot frontage.
4. Buildings within the Industrial Zoning Districts (I-1) are allowed one freestanding sign per frontage. Maximum height - 30 feet; maximum area - 1 square foot of sign area for each linear foot of frontage.
5. In Residential Zoning Districts (R1 and R2) freestanding signs are prohibited except where specifically allowed by this ordinance (section 8.3). Approved home occupations are allowed one wall sign. Maximum area - 4 square feet, mounted on front elevation of structure, non-illuminated.
6. In R-2 Residential Zoning Districts, one monument sign per lot frontage identifying the complex is allowed. Maximum height - 4 feet; maximum area - 32 square feet.
7. In Mobile Home Park Districts, one freestanding sign is allowed with a maximum height of six (6) feet and a maximum area of 24 square feet.
8. The minimum setback from public right-of-ways is 15 feet for all freestanding sign in all zones.

8.0 Signs Allowed With Sign Permits

Upon issuance of a sign permit the following signs are allowed, subject to the size, height and location requirements specified in this Section. Off-premise signs are not allowed in any zoning district except where specifically permitted. A signage plan is required in accordance with Section 6. Erection of the following signs without a permit is a violation of this Section.

8.1 Awning Signs

Awning signs are allowed for nonresidential uses in the C-1 and C-2 Districts subject to the following requirements:

1. The sign shall be flat against the surface of the awning.
2. The sign shall maintain a clearance of 9 feet above a public right-of-way.
3. The sign shall not extend into the right-of-way.
4. Any fabric awning valance may not extend more than 1 foot below the rigid mount of the awning.
5. The area of all permitted awning signs shall be included in the area of all wall signs.
6. Awning structure and building material not to extend beyond 5 feet from the principal building or structure on which the awning has been installed.

8.2 Freestanding Signs in Nonresidential Districts

Freestanding signs shall be permitted for uses in nonresidential zoning districts subject to the following requirements:

1. Sign landscaping

- a. The proposed heights and locations of all signs must be included as a part of the site plan.
- b. Signs over 24 feet in height require:
 - a defined landscaped area at the base of the sign. The required landscaped area shall be parallel to the face(s) of the sign. The required landscaped area shall be at least 50 square feet in area. For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.

If the size of the site imposes practical difficulties on the placement of the plant materials, the Planning Commission may make adjustments in these requirements.

- the required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees covering at least 50% of the defined landscaped area at maturity. Paving and artificial plant materials shall not be included in fulfilling this requirement. A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

- c. Signs 24 feet or less in height are not required to have a defined landscaped area at the base but landscaping is encouraged.
2. Signs shall be located at least 25 feet from any property line which is adjacent to property in residential use or residential zone. Sign illumination shall be in accordance with the requirements of Section 9.1.
3. For each street frontage of a property, one freestanding sign shall be allowed on each street on which the property fronts. One additional sign may be allowed by the Planning Commission for a street frontage which exceeds 300 feet. If two signs are placed on a single street frontage, no individual sign shall exceed 80 square feet in area and there shall be a minimum of 150 feet between the signs. The Planning Commission, in making its determination shall consider the approval standards found in section 8.2, 7b below. Each sign must meet all other requirements for freestanding signs.
4. A directory sign may be approved by the Inspection Department. Directory signs shall have uniform lettering and design and conform to the common signage plan.
5. The Planning Commission may approve additional freestanding signs for medical facilities containing 250 beds or more.
 - a. The approval shall be subject to the following limitations:
 1. The information contained on the sign must relate to medical facility services;

2. Each sign shall not exceed 12 feet in height and 50 square feet in area;
 3. The number of signs allowed shall not exceed a ratio of 1 sign per 150 feet of medical facility property street frontage measured on the street on which the signs are to be located; and
 4. all signs associated with the medical facility shall be approved as part of a common signage plan in conformance with the requirements of Section 6. Common Signage Plan] prior to the issuance of any sign permits.
- b. In making its determination to approve additional signs, the Planning Commission shall consider the following standards:
1. The signs comply with other applicable provisions of the ordinance;
 2. The views of adjacent properties or from adjacent properties are not impaired;
 3. The signs do not interfere with public utilities, government uses, transportation, landscaping or other factors felt relevant by the Planning Commission;
 4. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage;
 5. The signs do not pose a hazard to public safety.

8.3 Freestanding Signs in Residential Districts

1. Identification Signs for Residential Subdivisions which are not Multifamily: Up to 2 freestanding signs may be placed at each entrance to identify the subdivision. No commercial message shall be placed on the sign. Each sign shall be limited to 4 feet in height and 32 square feet in area. Signs shall be incorporated into a permanent landscape feature such as a wall, fence, or masonry column.
2. Identification Signs for Multifamily Developments: Up to 2 freestanding signs may be placed at each entrance to identify the project. The total sign area shall not

exceed 32 square feet in area. The sign shall be incorporated into a permanent landscape feature such as a wall, fence or masonry column and may not exceed 4 feet in height.

3. Charitable organizations include but are not limited to: churches, mosques, synagogues, or other religious organizations shall be allowed to have freestanding signs up to 32 square feet in area and shall be limited to 16 feet in height.
4. New Residential Developments: In addition to permanent identification signs, identified in 1-3 above, residential developments selling new dwellings may locate 1 freestanding sign at each entrance to the development. A sign permit must be obtained for each sign. The permit may be renewed in accordance with the provisions for temporary signs. The sign permit shall be valid for 1 year or until completion of the new dwelling sales, whichever occurs first. The sign shall be removed upon expiration of the permit. The maximum allowable sign area is 32 square feet per sign. The maximum sign height is 12 feet.

8.4 Marquee Signs

Marquee signs shall be allowed in all commercial districts subject to the following conditions:

1. The sign shall maintain a vertical clearance over a sidewalk of at least 9 feet and a minimum setback of 15 feet from public right-of-way.
2. The sign may extend the full length of the marquee on theaters, auditoriums and assembly halls. The height of the message area may not exceed 8 feet.
3. The sign may not exceed 100 square feet in area.
4. Only one marquee sign shall be allowed per establishment.
5. The sign will count against the total sign area allowed for the establishment.

8.5 Noncommercial Signs

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this ordinance. Noncommercial signs are subject to the same permit requirements.

8.6 Projecting Signs

Projecting signs may be located on all nonresidential districts subject to the following requirements:

1. The sign may not extend above the top of the wall to which it is attached, except that a sign 18 inches or less in width and perpendicular to such wall may extend up to a maximum of 2 feet beyond the top of the wall.
2. The sign may not extend into a required front yard more than 6 feet beyond the building or which it is attached.
3. The sign may not exceed 40 square feet in area.
4. Only one sign shall be allowed per establishment.
5. The sign will count against the total sign area allowed for the establishment.

8.7 Roof Signs

No roof signs shall be permitted; however, wall signs on the outside parapet walls are permitted.

8.8 Suspended Signs

Suspended signs shall be permitted in all non-residential districts, subject to the following regulations:

1. The sign shall allow a 9 foot clearance to the walking surface and shall be setback from public right-of-ways a minimum of 15 feet.
2. No sign shall exceed 8 square feet in area.
3. Only one sign shall be allowed per establishment.

8.9 Temporary Signs

Temporary signs shall be allowed in every nonresidential district for special events, subject to the following requirements:

1. The sign shall be displayed for not more than 15 consecutive days.
2. The sign shall not exceed 32 square feet in area.
3. The temporary sign shall be for a special event, not a

routine business activity.

4. Only one sign shall be allowed per business per special event not to exceed two times per year.
5. Each business site may be issued only 2 permits for a temporary sign within a 12 month period. Each 12 month period shall begin with the issuance of the first permit and shall expire 12 months from that date.

8.10 Private For-Profit Special Events (including but not limited to banner signs with commercial messages)

Temporary signs other than noncommercial signs shall be allowed in every district for special events, subject to the following requirements:

1. The sign shall be displayed for not more than 10 consecutive days.
2. The sign shall not exceed 32 square feet. No streamers, spinners or other windblown device shall be included as a part of the sign.
3. Only one sign shall be allowed per business per special event.
4. Each business site may be issued only 4 permits for a temporary banner within a 12 month period. Each 12 month period shall begin with the issuance of the first permit and shall expire 12 months from that date.
5. This Section shall not affect signs regulated in Section 3(17) for public and non-profit events.
6. Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

8.11 Wall Signs in Nonresidential Districts (Includes Window Signs)

Wall signs shall be subject to the following requirements in nonresidential districts:

1. The sign shall not extend more than 12 inches beyond the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.
2. The sign may not extend into a public right-of-way.

3. The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on 2 adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
4. The sign may not prevent the free entrance and exit from any window, door or fire escape.
5. The total sign area shall be the sum of all signs on the wall including signs on the wall surface, signs affixed to the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, door signs, signs on the lower slopes of roofs or canopy roofs, and signs on parapets above roofs.
6. Wall signs may not exceed 15% of the wall area in size; however, a minimum of 25 square feet of wall sign area is allowed.

8.12 Wall Signs in Residential Districts

Wall signs in residential districts shall be subject to the following requirements:

1. Nonresidential uses permitted in single family or attached residential districts shall be allowed 1 wall sign per building provided the sign does not exceed 4 square feet, non-illuminated.
2. Multifamily developments shall be allowed 1 wall sign per building. A maximum of 25 square feet of area shall be allowed.

8.13 Canopy Signs

1. Signage for fuel canopies:
 - a. The vertical edge of the canopy shall be a maximum of 42 inches in height.
 - b. Signage on the canopy shall be limited to logo signs and the signs shall not exceed 12 square feet per canopy side. In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
 - c. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.

2. Signage for other canopies shall be permitted on nonresidential uses subject to the following requirements:

- a. The maximum sign area per canopy face is 12 square feet.
- b. The vertical edge of the canopy sign shall be a maximum of 2 feet in height but in no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
- c. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.

9.0 General Requirements for Signs

9.1 Illumination

1. Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety.
2. Internally illuminated signs in residential office districts shall be required to have an opaque background and translucent copy.
3. Sign lighting shall not be detrimental to adjacent residential property.
4. Signs may not be illuminated by a string of lights placed around the sign.
5. Within 200 feet of off site residential zones or uses, only internally illuminated signs which allow only the sign characters and logos to emit light or signs which are illuminated by means of a light that shines on the face of the sign shall be allowed. For the purposes of this subsection, property on the other side of a public right of way other than a controlled access highway shall be considered adjacent property.

9.2 Design, Construction and Maintenance

1. All signs shall comply with applicable provisions of the Southern Building Code and the National Electrical Code.

2. Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
 - a. Temporary signs meeting the requirements elsewhere in this Section.
 - b. Signs advertising premises for sale, lease or rent.
 - c. Signs providing information on construction taking place on the premises.
 - d. Window signs.
 - e. Yard sale signs, political, and election signs.
3. Permanent signs shall be maintained in good condition at all times and shall be kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscures the view of the sign message.

9.3 Changeable Copy of Signs

Changeable copy is allowed on signs in nonresidential districts for places of worship and institutional uses in any district subject to the following:

1. No more than 50% of the area of a sign shall be devoted to changeable copy except for signs for theaters which may devote up to 80% of a sign to changeable copy.
2. The displayed copy may not be changed more than 8 times in one day except for time and temperature displays.

9.4 Nonconforming, Obsolete, and Unpermitted Signs

1. Signs which were lawful at the time of their construction or placement but are not in conformance with current requirements shall be permitted to be maintained as nonconforming signs for the following specified periods of time:
 - a. On-site signs - 3 years
 - b. Off-site signs - 2 years
 - c. Portable changeable copy signs - 90 days
 - d. All other non-conforming signs to include but not limited to sandwich board signs, banners, streamers

and temporary signs - 90 days

** Portable changeable copy signs must be removed within 90 days of the approval date of this ordinance unless the sign is made permanent by means of attaching the sign to a permanent concrete footing and it conforms in all other manners to the requirements of this ordinance.

2. Any non-conforming signs that do not fall under the above paragraph shall be removed or made conforming.
3. All administrative interpretations of this section and other provisions of the sign regulations may be appealed to the Planning Commission. Where necessary, the Planning Commission may consider not only the current or intended uses of a sign but also its past use. It shall be the obligation of the sign owner to furnish records concerning the past use, if requested by the board.

Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.