

SIGN ORDINANCE

**CITY OF CONWAY,
ARKANSAS**

**RE - ADOPTED SEPTEMBER 26, 2006
AS SECTION 1301 OF CONWAY ZONING
ORDINANCE O-94-54**

**Superseding Ordinance O-96-60
July 19, 1996**

ORDINANCE 0-06-134

AN ORDINANCE READOPTING A SIGN ORDINANCE AS SECTION 1301 OF THE CONWAY ZONING ORDINANCE O-94-54; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

WHEREAS, the City of Conway desires to discourage visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and

WHEREAS, it is also desirable to preserve and enhance the character of Conway by requiring new and replacement signage which is:

- Creative and distinctive,
- Compatible with the surroundings,
- Appropriate to the type of activity to which it pertains,
- Expressive of the identity of individual businesses or of the community as a whole and appropriately sized in its context, so as to be aesthetically pleasing with the surrounding area, yet allow for adequate advertisement.

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

SECTION 1: The City Council of Conway, Arkansas hereby approves and readopts by reference the Sign Ordinance dated September 26, 2006. Said Ordinance consist of the text, graphics, and maps of which not less than three (3) copies shall be filed in the office of the Clerk-Treasurer of the City of Conway, Arkansas and from the date on which these ordinances shall take effect the provisions thereof shall be controlling within the limits of the City of Conway and those areas in the territory subject to Conway zoning regulations.

SECTION 2: That this readopted sign ordinance shall become Section 1301 of the Conway Zoning Ordinance O-94-54 dated September 1994.

SECTION 3: That all ordinances and part of ordinances of a permanent and general nature in effect at the time of adoption of this ordinance and not included herein, are hereby repealed where they are in conflict with this ordinance.

SECTION 4: It being immediately necessary for the preservation of the public peace, health, and safety of the City of Conway, Arkansas, and the inhabitants thereof, an emergency is hereby declared to exist; by reason thereof this ordinance shall take effect and be in full force and effect from and after its passage and publication.

PASSED this 26th day of September 2006.

ATTEST:

APPROVED:

City Clerk

Mayor

SIGN ORDINANCE CITY OF CONWAY, ARKANSAS

SECTION ONE Purpose and Scope

Section 1.01- Purpose

Signs are an important and necessary means of communication. When properly regulated, signs can serve as a great economic and aesthetic asset. They can be lively, colorful and exciting. In enacting this Ordinance, it is the intent of the City of Conway to promote attractive signage, facilitate traffic safety, promote commerce, and to comprehensively address community aesthetic concerns about visual clutter and visual blight in the environment. The regulation of signs in the City is intended to promote an aesthetically pleasing environment with these concerns in mind. Sign regulation shall be consistent with land use patterns, and signs shall add to, rather than detract from the architecture of the buildings where they are located. Signs shall be well maintained and, in addition, shall not create traffic safety hazards. The regulation of signs in the City of Conway is intended to be content-neutral and to provide adequate opportunity for the presentation of messages of all kinds.

Section 1.02- Scope

The primary intent of the Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

This Ordinance shall relate signage to building design, particularly integral decorative or architectural features of buildings. This Ordinance shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; product dispensers and point of purchase displays; scoreboards on athletic fields; flags and insignia of any government or noncommercial organization, except when displayed in direct connection with commercial promotion; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; signs not exceeding one square foot in area and bearing only property numbers, postbox numbers, or names of occupants of premises; or any display or construction not defined herein as a sign.

Section 1.03- Applicability

No signs shall be erected or maintained in any land use district established by the Zoning Ordinance, except those signs specifically enumerated in this ordinance. The number and area of signs as outlined in this ordinance are intended to be maximum standards.

All signage shall adhere to the guidelines and regulations detailed within this document and any and all other current laws pertaining to signage. This ordinance shall supersede all sign requirements of the Conway Suburban Overlay District Ordinance O-00-167.

The design, height, location, and size of signs are encouraged to be visually complementary and compatible with the scale, and architectural style of the primary structures on the site. As part of development review, sign concepts shall be considered during the design of the site and structures so that signs and graphics can be integrated into the architecture of the project. Sign styles, size, height, scale, colors, location, and materials shall strongly relate to the design of the structures.

SECTION TWO General provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Conway except in accordance with the provision of this ordinance.

Section 2.01- Signs Prohibited

The following types of signs are prohibited in all districts:

- (1) Abandoned signs.
- (2) Pylon or single pole signs with the exception of on-premise interstate signs as allowed in Section 3.05.
- (3) Festoons and search lights. (Except as allowed in Sections 2.0.4 and 3.0.1).
- (4) Signs imitating or resembling official traffic or government signs or signals.
- (5) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way.
- (6) Animated, moving, flashing, blinking, reflecting, revolving, or any other similar sign. Including electronic message boards and electrically activated signs with the exception of static LED fuel price signs as allowed in the interstate zone as allowed in Section 3.05.
- (7) Permanent sale or come-on signs.
- (8) Signs painted on fences or roofs.
- (9) Portable signs
- (10) Obscene signs
- (11) Inflatable Signs over ten (10) feet tall by ten (10) feet wide by ten (10) feet deep, or 1000 cubic feet.

Section 2.02- Permits Required

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in Section 6 of this ordinance. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

Section 2.03- Signs Not Requiring Permits

The following types of signs are exempted from the permit requirements but must be in conformance with all other requirements of the ordinance:

- (1) Construction Signs: Non-illuminated construction signs, that are no more than forty-eight (48) square feet in area in residential zones or are no more than sixty-four (64) square feet in area in all other zones. Shall be removed within thirty (30) days following completion of construction.
- (2) On-Premise Directional/Informational signs of six (6) square feet or less
- (3) Nameplates of two (2) square feet or less, non-illuminated, attached to building or structure, or supported by a post and arm structure, 1 per occupancy
- (4) Political signs.
- (5) Public signs or notices, or any sign relating to an emergency. Such as safety signs, danger signs, traffic signs, and official logo signs erected along state and federal highways.
- (6) Directional/informational as required for public facilities
- (7) Window signs (limited to 25% of total window area)
- (8) Incidental signs
- (9) Real estate signs: For residential sales shall be one (1) sign per street frontage and/or one (1) sign per tenant lease space not exceeding six (6) square feet in area and six (6) feet in height, provided it is not in street right of way, unlit, and is removed within fifteen (15) days after the close of escrow or the rental or lease has been accomplished. Open House signs, for the purpose of selling a single house or condominium and not exceeding six (6) square feet in area and six (6) feet in height, and not in place for more than twenty-four (24) hours in any one month, are permitted off site for directing prospective buyers to property offered for sale.
For the sale, rental, or lease of commercial, industrial, and multi-family premises: One sign per street frontage not to exceed forty-eight (48) square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight (8) feet in height, shall not occupy street right of way, and shall be removed upon sale, lease or rental of the premises.
- (10) Historical markers: historical markers as recognized by local, state or federal authorities.
- (11) Signs created by landscaping
- (12) Temporary signs and banners of a non-commercial nature not exceeding twenty-four (24) square feet
- (13) Sign face changes not requiring any change to the structure of a sign
- (14) A-Frame Sign as allowed in Section 3

- (15) Inflatable signs less than ten (10) feet high, by ten (10) feet wide, ten (10) feet deep, or one-thousand (1000) cubic feet. Larger inflatable signs require a permit and are allowed for a special event one time per year for a maximum of 30 days.
- (16) Yard / garage sale signs

Section 2.04- Garage / Yard Sale Signs

No permit is required – May be used for residential garage / yard sales only.

Size and Type

All signs shall be no larger than six (6) square feet, placed on a single or double stake or other freestanding manner.

Location

One (1) sign at the location of the sale for each street frontage on that property.

One (1) pointer sign per sale may be placed in any intersection under the following conditions. No garage/yard sale sign shall be placed, affixed, stapled, glued, taped to any utility pole, street sign, tree, stop sign, fence, etc.. No garage/yard sale sign shall be placed in any public right-of-way in a manner as to interfere with traffic, both vehicular and pedestrian, or interfere with any residential, commercial or industrial property.

Time

No garage/yard sale signs shall be placed on public property any earlier than six (6:00) P.M. the night before and must be picked up by seven (7:00) P.M. the day the sale is over.

Section 2.05- Sign Construction and Maintenance

Every sign, all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and building codes.

Every sign, including those specifically exempt from this ordinance in respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, free from rust corrosion and well maintained.

If a sign is found to no longer advertise a business that has been discontinued for ninety (90) days or more and the business' signs have been abandoned and fallen into disrepair. the owner will be notified and if the condition(s) is not corrected within thirty (30) days, the sign shall be required to be removed.

Section 2.06- Lighting

A. Unless otherwise prohibited by this Ordinance, all signs may be illuminated. No illuminated sign shall be permitted which faces the front, side or rear lot lines of any lot in any residential zoning district and is located within fifty (50) feet thereof.

B. Every part of the light source of any illuminated sign shall be concealed from view from vehicular traffic in the public right-of-way or adjacent property. The light shall not travel from the light source directly to vehicular traffic in the public right-of-way or adjacent property but instead shall be visible only from a reflecting or diffusing surface.

C. This provision shall not apply to neon tube lighting.

D. Back Lit Illuminated Awnings - Unless expressly provided otherwise in this ordinance, awning signs may be illuminated, including without limitation by backlighting.

Section 2.07- Changeable Copy

Unless otherwise specified by this ordinance, any sign herein allowed may use manual changeable copy. Only one changeable copy area per sign is allowed. **Electronic message boards and electronic numeric displays are prohibited with the exception of static LED fuel price signs within the interstate zone. See Section 3.05.**

Section 2.08- Sign Projections from Buildings

Signs attached to and wholly supported by a building shall not project more than eight (8) feet from any building and the bottom of such sign shall not be less than ten (10) feet above the sidewalk or fourteen (14) feet above a vehicular right of way. Such signs (except in the C-1 Zoning District shall not project into the public right-of-way.

Section 2.09- Sign Similarity to Official Signs

No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/informational signs.

Section 2.10- Indemnification and Insurance

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way of property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Ordinance has not specifically directed the placement of a sign.

All persons involved in the maintenance, installation, alteration, or relocation of signs shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the state, county, or city against any form of liability.

**SECTION THREE
Regulation by Zone**

Legend

= equal to > more than < less than

For sign and other definitions, see Section 6.

Note: For PUD zones, sign requirements shall be established by the PUD or shall be assigned an appropriate zoning equivalent by the Administrator dependent upon use.

All Zones – Sign Permit Not Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.01	All zones	All signs not requiring permits (Section 2.03)	Must conform with all other requirements of the ordinance

Residential Zones – Sign Permit Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.02	Residential zones R-1, R-2A, R-2, SR, MF-1, MF-2, MF-3, RMH, HR, and A-1	All signs permitted in Section 3.01	As shown in these sections
		1 subdivision or neighborhood identification sign per external street frontage	Monument sign =< 48 sq ft. =< 6 feet in height. May be on street property line as long as it does not extend into the clearview zone.
		1 identification sign per entrance to apartment or condominium complex	Monument sign =< 36 sq. ft. =< 6 feet in height. May be on street property line as long as it does not extend into the clearview zone.

1 monument or two-pole sign and 1 wall sign for permitted non-residential uses including religious facilities

=< 48 sq. ft.
=< 6 feet in height
Wall sign =<10% of aggregate area of building elevation on which the sign is installed. May abut street property line as long as it does not extend into the clearview zone.

Commercial, Office, Institutional, and Industrial Zones – Sign Permit Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.03	Commercial, office, institutional, and industrial zones C-2, C-3, C-4, O-1, O-2, O-3, S-1, I-1, I-2, and I-3	All signs permitted in Sections 3.01 and 3.02	As shown in these sections
		Banner sign	=< 24 square feet in area per side One (1) banner sign is allowed per tenant or business location. Banners may be changed. Banners may not be placed within the street right of way. Banners may not be hung from awnings unless canopy sign requirements can be met. Banner permits must be renewed on an annual basis. (see Section 6.03 Permit Fees)
		A-frame sign No permit is required.	=< 3 feet in height =< 2 feet in width Allowed in commercial districts only. Allowed on a sidewalk immediately in front of the business, but not within street right of way. Must leave walkable sidewalk width. Must be readily movable. No permit is required.
		Monument sign or two-pole sign One (1) per street frontage	Lots or developments =< 5 acres in size =<64 square feet in area per side =< 8 feet in height Lots or developments > 5 and < 20 acres in size =< 64 square feet in area per side =< 10 feet in height Lots or developments > 20 acres in size =< 96 square feet in area per side =< 12 feet in height Street frontage must be => 325 feet in length. If frontage is < 325 feet, the 5-20 acre limits above apply.

<p>Only allowed in C-3 and O-1 zones on lots without street frontage as allowed by the Zoning Ordinance</p>	<p>Off-premise directional signs</p>	<p>=< 48 square feet in area per side =< 8 feet in height Located outside the public right-of-way with the property owner's permission. No closer than 100 feet from the nearest other off-premise directional sign.</p>
	<p>Wall signs May be used in lieu of a projecting sign</p>	<p>=< 10% of aggregate area of building or elevation on which the sign(s) are installed. The total of all wall and awning signs can be no more than the 10% aggregate area</p>
	<p>Awning Sign</p>	<p>=< 10% of aggregate area of building elevation on which the sign(s) are installed The total of all wall and awning signs can be no more than the 10% aggregate area.</p>
	<p>Under canopy sign</p>	<p>=< 8 sq. ft. => 7 ft. clearance to grade 1 sign for each separate occupancy or entrance. External illumination only.</p>
	<p>Projecting sign (Blade Sign) May be used in lieu of a wall sign</p>	<p>May not project more than 8 feet from the side of a structure =< 10% of aggregate area of building elevation on which the sign(s) are installed => 10 ft. Clearance to grade over pedestrian walkway => 14 ft. clearance over vehicular right of way. External illumination only. 1 sign for each separate occupancy or entrance.</p>
	<p>Incidental signs</p>	<p>=< 4 sq. ft. per occupancy</p>
	<p>Window signs No permit is required</p>	<p>Window signs are limited to 25% of the total window area of the primary entrance frontage. No permit is required.</p>

Downtown (C-1) Sign Zone:

The Downtown C-1 Zone has a need for more unique signage and for a greater variety of signs in the urban area of the City. This area is characterized by densely packed commercial uses that compete for attention. It is the City's intent in its regulations to strike a fair balance between commercial needs, traffic safety, and community concerns about visual clutter and visual blight. The below standards are allowed without review in the C-1 district, however a variance may be sought to allow a design more appropriate to the unique aspects of an urban environment. This variance is reviewed by the Director of Planning as outlined in Section 6.06. As with the review of all sign applications in the city, the proposed content of signs shall never be considered by the Conway Design Review Board.

**Downtown (C-1):
Sign Permit Required**

Section Number	Zone(s)	Signs Allowed	Limitations
3.04	C-1		As shown in these sections
		Banner sign	<p>=< 24 square feet in area per side</p> <p>One (1) banner sign is allowed per tenant or business location. Banners may be changed.</p> <p>Banners may not be hung from awnings unless canopy sign requirements can be met. Banner permits must be renewed on an annual basis. (see Section 6.03 Permit Fees)</p>
		A-frame sign No permit is required.	<p>=< 3 feet in height</p> <p>=< 2 feet in width</p> <p>Allowed in the street right-of-way, on a sidewalk immediately in front of the business. Must leave walkable sidewalk width. Must be readily movable. No permit is required.</p>
		Wall sign May be used in lieu of a projecting sign	=< 10% of aggregate area of building elevation on which the sign(s) are installed. The total of all wall and awning signs can be no more than the 10% aggregate area.
		Awning sign	=< 10% of aggregate area of building elevation on which the sign(s) are installed. The total of all wall and awning signs can be no more than the 10% aggregate area.
		Under canopy	<p>=< 8 sq. ft.</p> <p>=> 7 ft. clearance to grade</p> <p>1 sign for each separate occupancy or entrance. Sign may project beyond the front property line, but may not be closer than six (6) inches to the line of the paved street surface.</p>
		Projecting sign (Blade Sign) May be used in lieu of a wall sign	<p>May not project more than 8 feet from the side of a structure</p> <p>=< 10% of aggregate area of building elevation on which the sign(s) are installed</p> <p>=> 10 ft. Clearance to grade over pedestrian walkway</p> <p>=> 14 ft. clearance over vehicular right of way.</p> <p>May project beyond the front property line, but may not be closer than six (6) inches to the line of the paved street surface.</p> <p>1 sign for each separate occupancy or entrance.</p>
		Window sign No permit is required.	Window signs are limited to 25% of the total window area of the primary entrance frontage. No permit required.
		Roof sign	May be used instead of any wall signs or awning signs. Height =< 20% of the total height of the building to which attached. External illumination or neon only.

Interstate Signage: Sign Permit Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.05	Within 1000 feet of the centerline of Interstate 40 between the future Highway 25 exit and Exit 129 (Dave Ward Drive)	All signs permitted in Sections 3.01 and 3.02, and 3.03 with the below additional allowances for interstate and static LED fuel price signs On-premise interstate sign May be used in lieu of monument or two pole sign Static LED fuel price sign Billboard Must be on property abutting Interstate 40	As shown in these sections =< 300 sq. ft. =< 75 feet in height or =<25 feet above the freeway grade, whichever is higher. Principal purpose must be to address interstate traffic. Static light emitting diode sign for fuel pricing purposes only. Must be a numeric display only. No messages may be displayed only fuel prices. Subject to a cap of 33 billboards within the interstate zone. No additional billboard without loss of a billboard. Double stacked billboards count as one billboard. =< 672 sq. ft. =< 35 feet in height => 50 feet from the nearest free standing sign => 1000 feet from the nearest other billboard on the same side of the interstate. Must be mounted on a single pole and shall not be double stacked.

**SECTION FOUR
Nonconforming Signs**

Section 4.01-Determination of Legal Nonconformity

- (1) A nonconforming sign is any permanent sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this sign ordinance. This includes all signs; freestanding, wall, awning, etc.
- (2) A legally established sign which fails to conform to this Ordinance shall be allowed continued use, except that the sign shall not be expanded, moved, or relocated, except in the case of street relocation.

Section 4.02- Loss of Legal Nonconforming Status

A legal nonconforming sign shall lose this designation:

- (1) Existing signs outside the interstate zone:
 - (a) If the sign face is damaged or destroyed, the face may be replaced. The sign face supporting structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure.

- (b) If the structural components of the sign including the face structure is damaged or destroyed, the structure and face may be replaced with a new face and structure of no more than sixty four (64) square feet in area. In no case, may a sign face be replaced with a face larger than the damaged face.
 - (c) If the sign is damaged to the extent of more than fifty percent (50%) of the replacement cost. The determination for this percent of damage shall be based on the average of three (3) estimates from three (3) separate sign companies.
- (2) Interstate signs: Existing on-premise, freestanding pole signs previously allowed up to 672 square feet in area will be allowed replacement as follows:
- (a) If the sign face is damaged or destroyed, the face may be replaced. The sign face supporting structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure.
 - (b) If the structural components of the sign including the face structure is damaged or destroyed, the structure and face may be replaced with a new face and structure of no more than 300 square feet in area. In no case, may a sign face be replaced with a face larger than the damaged face.
- (3) If the size of the sign is altered in any way except toward compliance with this ordinance. This does not refer to change of copy, face of the sign, or normal maintenance. Normal maintenance does not include the replacement of structural elements.
- (4) If the sign(s) advertising a building/development contains the majority of the businesses/tenants and the building/development undergoes major redevelopment such as demolition or expansion requiring a building permit.
- Exceptions:
- (a) A remodel of an existing building will not cause the loss of legal non-conformity.
 - (b) The construction of an additional building on the same property shall not cause the loss of legal non-conformity.
- (5) A billboard is allowed to change the advertising copy without loss of legal non-conforming status.
- (6) The sign is relocated, except in the case of street relocation.

Section 4.03- Maintenance and Repair of Nonconforming signs

The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. If a non-conforming sign is found to no longer advertise a business that has been discontinued for ninety (90) days or more and the business' signs have been abandoned and fallen into disrepair. the owner will be notified and if the condition(s) is not corrected within thirty (30) days, the sign will lose legal non-conforming status and shall be required to be removed.

SECTION FIVE Construction Specifications

Section 5.01- Construction specifications

- (1) All signs shall be installed in compliance with current city building and electrical codes.
- (2) Where occupancy is on a corner lot, a minimum clear view zone is to be maintained in a triangulated area at the point of intersection to allow an unobstructed view of oncoming traffic. No sign taller than two (2) feet in height is allowed in the clear view zone. (See definition for clear view zone.)

SECTION SIX

Administration and Enforcement

Section 6.01- Code Administrator

The Sign Administrator shall be the Director of Planning. The Planning Department is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this code. The application procedure shall be that of normal development review. The sign permit shall be issued by the Permits and Inspections Department following design review and approval of the Planning Department.

The Administrator is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. such inspections shall be carried out during business hours unless an emergency exists.

Section 6.02- Application for Permits

Application for a permit for the erection or relocation of a sign shall be made on a form provided by the Administrator, and shall include the following information:

Permanent Sign:

- (1) Name and address of the applicant.
- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) Written permission from the property owner for the placement of the proposed sign(s) on the site.
- (4) Plans for the sign, drawn to scale, showing the proposed location of the sign in relation to other signs on the site.
- (5) Specifications and drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign
- (6) A complete color scheme for the sign, and design drawing of the sign
- (7) Sufficient other details of the proposed sign to show that it complies with the provisions of this chapter.
- (8) Computation of the total sign area, the area of each individual sign, the height of each sign, and the total number of existing and proposed signs on the site.
- (9) An accurate indication on the site plan of the proposed location of each present and future sign.
- (10) Other information as required by the department.

Banner Sign:

- (1) Name and address of the applicant.
- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) A scale site plan of the proposed location of each banner and /or elevation showing proposed mounting to a building or banner support structure.
- (4) Other information as required by the department.

Expiration of Sign Permit Approval.

Approval of a sign permit shall expire 12 months from the date of approval unless the sign has been installed.

Section 6.03- Permit Fees

All applications for permits filed with the Administrator shall be accompanied by a payment of the initial permit fee for each sign as required by the ordinance. The fee shall be thirty five dollars (\$35) per sign. Any required electrical permit fees shall be an additional cost.

Banner permits are thirty-five dollars (\$35) Banner permits are valid from January 1 to December 31 with a one month renewal grace period during the month of January. Banner permits allow the changing of banners at the same location. Banners are not considered pre-existing non-conforming signs (grandfathered).

Section 6.04- Issuance and Denial

The Administrator shall issue a permit and permit sticker or tag for the erection, structural alteration, or relocation of a sign provided that the sign complies with all applicable laws and regulations of the City. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied, the Administrator shall give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity. The Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

Section 6.05- Inspection Upon Completion

Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

The Administrator may require at the time of issuance of a permit that written notification for an inspection be submitted prior to the installation of certain signs.

Section 6.06- Variances for Signs

No variances shall be allowed from the size area requirements of this ordinance. A variance for any other requirement of this ordinance, i.e., height, location, type, etc. may be applied for.

Requests for sign variances shall be in writing and shall be submitted along with the sign application. Such request shall demonstrate that special conditions or circumstances exist that are not applicable to other lands, structures, or buildings such that a literal interpretation of the ordinance would result in an undue hardship.

The Director of Planning shall review the request with input from the DRC (Design Review Committee) as needed to determine if the variance should be granted. If the Planning Director decides to grant the request, he/she must, on the same day, notify all the City Council members of that determination by letter, email, telephone contact, or by placement of a notice in their mail boxes at City Hall or in another manner approved by the Mayor. If any one of the City Council members feels that the variance request should not have been granted, the Council member must notify the Planning Director within no less than five (5) working days from the date of the Planning Director's decision to grant the request. Upon such notification, the Planning Director shall refer the variance request to the Planning Commission. In order to be placed on the agenda, such notification must be submitted no less than seventeen (17) days prior to the Planning Commission meeting. If the Planning Commission should also decide to grant the variance, the variance shall be considered granted.

If the Planning Director decides to refuse the variance request, the applicant may appeal to the Planning Commission no less than thirty (30) working days from the date of the Planning Director's decision to refuse the variance. The Planning Director must notify the applicant of the decision to refuse the variance by mail, on the same day of the decision. In order to be placed on the agenda, such appeal must be submitted no less than seventeen (17) days prior to the Planning Commission meeting.

If the Planning Commission refuses the variance, the applicant may appeal the decision to the City Council. The appeal must be submitted to the Planning Department no less than thirty (30) working days from the date of the

Planning Commission's decision. In order to be placed on the City Council agenda, the appeal must be submitted no less than eleven (11) days prior to the City Council meeting.

The Planning Director or Planning Commission or City Council will grant the variance only when the requirements noted above are suitably demonstrated. The Planning Director or Planning Commission or City Council shall grant only the minimum variance required to make possible the variance request, provided that such variance will be in harmony with the general purpose and intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The fee for any sign variance request shall be two-hundred dollars (\$200).

Section 6.07- Violations

When a violation of the sign code exists, the Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the sign code which the individual may be in violation of and shall state that the individual has sixty (60) days from the date of the order in which to correct the alleged violation or to appeal to the City Council.

If, upon inspection, the Administrator and/or Code Enforcement Officer finds that a sign is abandoned or structurally, materially, or electrically defective in such a way that it endangers the public, the Administrator and/or Code Enforcement Officer shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to remove the endangerment immediately and to repair or remove the sign within sixty (60) days of the date of the order.

In cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.

In cases of illegal signs placed in the public right-of-way, the Administrator may cause immediate removal of the sign without notification of the owner of the sign.

Section 6.08- Removal of Signs by the Administrator

The Administrator may cause the removal of an illegal sign in cases of emergency, if it is located within the public right-of-way or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrator.

If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten percent (10%) penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless documented facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign. For purposes of removal, the definition of sign shall include all embellishments and structures designed specifically to support the sign.

Section 6.09- Penalties

Any person who fails to comply with the provisions of the Ordinance within ten (10) days after a notice by the Administrator may be subject to a fine of \$100 per day that the violation continues.

Section 6.10- Appeals

Any failure to respond to an application within ten (10) working days or receipt of any decision rendered by the Administrator in denying a permit or variance or in alleging a violation of this Ordinance may be appealed to the City Council within sixty (60) days of the Administrator's receipt of application.

The action being appealed shall be held in abeyance pending the decision of the council.

Section 6.11 Inventory and Abatement

Within six (6) months from the date of adoption of this Ordinance, the City shall commence a program to inventory and identify illegal or abandoned signs within its jurisdiction. Within sixty (60) days after this six (6) month period, the City shall commence abatement of identified illegal or abandoned signs.

SECTION SEVEN

Repeal, Conflict, Severability, and Effective Date

Section 7.01- Repeal

That Sign Ordinance O-96-60 adopted July 9, 1996 is hereby repealed in its entirety.

Section 7.02- Conflict

If any portion of this code is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City code, the provision which establishes the stricter standard shall prevail.

Section 7.03- Severability

If any section, subsection, sentence, clause, or phrase of this code or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this code, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

Section 7.04- Effective Date

This code shall take effect and be in force on the 26th day of September, 2006.

Approved by the City Council this 26th day of September, 2006.

SECTION EIGHT Definitions

Section 8.0- Definitions

Certain terms are defined for the purposes of the Ordinance as follows:

= - A symbol meaning equal to.

< - A symbol meaning less than.

> - A symbol meaning more than.

A Frame Sign – A sign composed of two panels hinged at the top. From a side elevation, resembles an “A”. Such signs may be placed only on a sidewalk immediately in front of the business. Such signs are allowed only in the commercial business districts where sidewalks are present.

Abandoned Sign- A sign which no longer identifies or advertises a bona fide business, lesser, service, owner, product, or activity and is no longer maintained.

Administrator- The Sign Code Administrator or his designated representative

Animated Sign- (see also and note difference from changeable sign) A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs visible from the street right of way shall be considered a nuisance and are prohibited. Animated signs include the following types:

1. **Naturally Energized:** Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.

2. **Mechanically Energized:** signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.

3. **Electrically Energized:** Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:

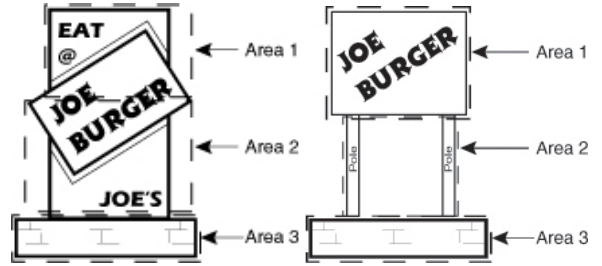
a. **Flashing Signs:** Illuminated signs exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase), is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.

b. **Illusionary Movement Signs:** Illuminated signs exhibiting the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

Area, of Sign

(1) **Projecting and Monument-** The area of a freestanding or projecting sign shall have only one side of any double or multiple face design counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual elements:

When calculating the sign surface area of any sign, a maximum of three (3) distinct and abutting "Areas" made up of squares or rectangles may be used to encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.



- (2) **Wall Sign or Awning Sign-** The area shall be within a single, continuous perimeter composed of any rectilinear line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall or awning as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.



Awning- A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. (compare "Marquee")

Awning Sign- A sign painted on, printed on, or attached flat against the surface of an awning. Banners may not be attached to awnings.

Back Lit Awning- An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

Banner sign- A sign on cloth or other flexible material which projects from or hangs from a building, pole or wire. Banners include pennants, flags, cable-hung banners and vertical banners. Depending upon its method of attachment, a banner sign may be a flat-mounted sign, a projecting sign, or a free-standing sign. Banner sign may not be attached to fences, railings, trees, or roofs.

Bench Sign- A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Billboard- see "Off-Premise Sign"

Blade Sign- see "Projecting Sign"

Building- As defined in the Zoning Ordinance.

Canopy (Building)- A rigid multisided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources. (compare "Marquee")

Canopy (Freestanding)- A rigid multisided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

Canopy Sign- A sign affixed or applied to the exterior facing surface or surfaces of a building canopy or freestanding canopy.

Cable Hung Banner- A single banner, or several individual banners, or individual cutout letters, suspended by cable over a public right-of-way from poles designated for such civic use.

Changeable Sign- A sign whose informational content can be changed or altered by manual or electric, electromechanical, or electronic means. Changeable signs include the following types:

1. **Manually Activated:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
2. **Electrically Activated:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
 - a. **Fixed Message Electronic Signs:** Signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
 - b. **Computer Controlled Variable Message Electronic Signs:** Signs whose information content can be changed or altered by means of computer-driven electronic impulses.

City- Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Conway.

Clearance (of a sign)- The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clear view Zone- The area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the two property lines intersect, measuring thirty (30) feet along each property line and drawing a line across the two back points to form a triangulated area. No sign in excess of two (2) feet above curb grade may be installed in this area.

Construction Sign- A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Copy- The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Development Review Committee (DRC)- Usually part of the Planning Department, a DRC is composed of one representative from each of the regulatory agencies that have jurisdiction of over the permitting of a project (Planning Department, Fire Department, Conway Corporation or public utility, Sanitation Department, and Street Department)

Directional/Informational Sign- An on-premise sign giving directions instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. May contain logo provided that the logo may not comprise more than 20% of the total sign area.

Directory sign- A sign on which the names and locations of occupants or the use of a building is given. This shall include office buildings and church directories.

Disrepair - Signs that are broken, cracked, vandalized, torn, rotten, faded, faulty, defective, rusty, or otherwise unsightly.

Double-Faced sign- A sign with two faces, essentially back-to-back.

Electric Sign- A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic Message Center- see "Changeable Signs, Electrically Activated"

Elevation- The entire side or front of a building including the parapet. Utilized in determining the permissible sign area.

Facade- The entire building front including the parapet.

Face of Sign- The area of a sign on which the copy is placed. This does not include the mounting structure.

Festoons- A string of ribbons, tinsel, small flags, or pinwheels.

Flashing Sign- see "Animated Sign, Electrically Energized"

Freestanding Sign- A sign supported permanently upon the ground by poles or braces and not attached to any building. Pole signs are not allowed.

Frontage- The length of the property line of any one premise along a public right-of-way on which it borders.

Frontage, Building- The length of an outside building wall on a public right-of-way.

Government Sign- Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Height (of a sign)- The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign, unless adjacent public street curb elevation is higher than the ground level, in which case the height shall be measured from the adjacent or nearest public street curb level. Any berm or other fill placed at the base of the sign shall not be considered normal ground elevation.

Identification Sign- A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal Sign- A sign which does not meet the requirements of this code and which has not received legal nonconforming status.

Illuminated Sign- A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign- A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises ' e.g., a credit card sign or a sign indicating hours of business.

LED Sign – A sign composed of alphanumeric characters composed of light emitting diodes. LED signs are prohibited with the exception of static LED fuel price signs within the interstate sign zone.

Lot- A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

Low - Profile Sign- also "Monument Sign"- A sign mounted directly to the ground. The maximum height is measured from the ground to the top of the sign including any base construction.

Maintenance- Cleaning, painting, or minor repair of defective parts of a sign in a manner that does not alter the design, or structure of the sign. No structural parts of a non-conforming sign may be replaced without the loss of the sign's legal non-conformity.

Mansard- A sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee- A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

Marquee Sign- Any sign attached to or supported by a marquee structure.

Message Board – The portion of a sign whose informational content can be changed or altered by manual, electric, electromechanical, or electronic means. See: Changeable signs. Electronic message boards are not allowed.

Monument Sign- A sign mounted directly to the ground. No poles shall be visible. The maximum height is measured from the ground to the top of the sign including any base construction. Maximum area is to be determined as defined in "Area, of Sign Projecting and Monument" This does not include light fixtures intended to illuminate the sign.

Multiple-Faced Sign- A sign containing three (3) or more faces, not necessarily in back-to-back configuration.

Nameplate- A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Noncommercial sign -A temporary sign 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. The message does not direct attention to a business operated for profit, or to a commodity or service for sale.

Nonconforming sign

(1) A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

(2) A sign which does not conform to the sign code requirements, but for which a special permit has been issued.

Occupancy- The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-Premise Directional Sign – A sign which provides direction to a site that is not located on the same parcel or lot as the sign. This sign may contain the name and address of a business, but may contain no advertising copy. This sign may contain the logo, in addition to the name of the establishment. An off-premise directional sign is allowed per Section 3.03 for lots in C-3 and O-1 without street frontage.

Off-Premise Sign also "Billboard"- A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."

On-Premise Sign- A sign which pertains to the use of the premises and/or property on which it is located.

Owner- A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

Painted Wall Sign- Any sign which is applied with paint or similar substance on the surface of a wall.

Parapet- The extension of a false front or wall above a roofline.

Person- Any individual, corporation, association, firm, partnership, or similarly defined interest.

Point of Purchase Display- Advertising of a retail item accompanying its display, e.g., an advertisement or a product dispenser, tire display, etc.

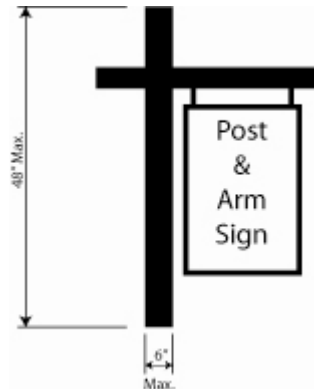
Pole Cover- Cover enclosing or decorating poles or other structural supports of a sign.

Pole Mounted Sign – A sign constructed with a base consisting of one or more poles.

Political Sign- A temporary sign used in connection with a local, state, national election, or referendum.

Portable Sign- Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Permanently affixed shall mean anchored to the ground as stipulated in Section 2303 Construction of the 1991 Edition of the Standard Building Code.

Post and Arm Sign – A sign of two(2) square feet or less in area supported by an upright post with a horizontal arm, from which a sign is suspended. No part of the structural support may be greater than six (6) inches in any dimension. Maximum height of four (4) feet.



Projecting Sign- A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign. Typically projecting from the facade of a building and perpendicular to the pedestrian or vehicular right of way. Maximum area is to be determined as defined in "Area, of Sign Projecting and Monument, and two-pole"

Premises- A parcel of land with its appurtenances and building which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Pylon Sign – See "pole sign".

Real Estate Sign- A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Relocation of a Sign- the movement of the sign to a new or changed location and includes without limitation any movement of the sign to a new location on the same structure, on the same parcel or elsewhere. Any movement of a sign, no matter how slight, is a relocation.

Roof Sign- A sign which is attached to a structure located on a roof.

Roofline- The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

Rotating Sign- see "Animated Sign, Mechanically Energized"

Sign- Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, person, product, goods, or services. Where the term "sign" is used, it shall refer to on-premise signs unless specifically noted otherwise.

Snipe Sign- A temporary sign or poster affixed to a tree, fence, etc.

Subdivision Identification sign- A freestanding monument or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Structure – Any mechanical component to which the actual advertising face is attached. Including the pole.

Temporary Sign- A sign not constructed or intended for long-term use.

Two-pole Sign – A sign constructed with two vertical support poles. The poles shall be mounted on the outside of the sign face or within the outside one-fourth ($\frac{1}{4}$) of the sign face. A sign face may be mounted on top or between the two vertical poles.

Under-Canopy Sign- A sign suspended beneath a canopy, ceiling, roof, or marquee.

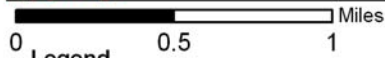
Vertical Banner- a banner hung or projecting from a banner pole in the public right-of way designated for civic use.

Wall Sign- A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. Wall signs shall be placed only on the sides of buildings with street frontage. Wall sign area shall be measured by the smallest polygon that can be drawn to outline and contain all letters, artwork, and logos, using no angle other than ninety (90) degrees.

Window sign- A sign applied directly onto a window or inside of a window and within ten (10) feet of the window. Window signs include without limitation the application of words and logos onto window glass, the use of hanging signs and paper signs. However, the display of non-copy merchandise shall be permitted provided the packaging and/or labels are not so extreme as to render it substantially advertising copy. **Window signs shall not be animated signs, blinking signs, or electronic message boards.**

Under Canopy Sign- A sign fastened under a canopy structure and mounted perpendicular to the face of the building from which the canopy projects.

Use- The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.



- Legend**
- - - City Limit
 - Buffer_of_I-40_centerline

**Interstate Sign Zone
Appendix A**