

Ordinance No. 42 of 2020

AN ORDINANCE ADOPTING NEW OUTDOOR SIGN REGULATIONS FOR THE CITY OF BENTON; REPEALING ORDINANCE NO. 46 OF 2009 AND ITS AMENDMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 46 of 2009, which was adopted as the Benton Sign Regulations and provides guidance for all signage located within the City of Benton, has become out of date and is in need of significant revision; and

WHEREAS, the manner in which outdoor advertising has changed significantly since the adoption of the regulations in 2009 does not adequately address current construction methods and design; and

WHEREAS, the Benton Sign Regulations vary considerably according to the zoning district of a property within the city; and

WHEREAS, the City of Benton has adopted new Zoning Regulations and therefore desires to proceed in updating the zoning district designations, correct typographical errors, and make other clarifications within the Benton Sign Regulations as adopted in Ordinance 46 of 2009 and its amendments; and

WHEREAS, the City of Benton, after reviewing extensively the current sign regulations as well as the sign regulations of other cities, has determined that the revised regulations are reasonable and necessary to regulate outdoor signage within the city.

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

SECTION 1: The City Council of the City of Benton does hereby adopted the City of Benton Sign Regulations which are attached hereto as Exhibit "1" to this ordinance.


SECTION 2: If any provision of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 3: All City of Benton Ordinances, Resolutions, Regulations, and parts thereof, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict, but not otherwise, including Ordinance 46 of 2009 and its amendments.

SECTION 4: It being immediately necessary to establish and adopt the rules and regulations as set forth in this ordinance, and any material delay in the same would


unnecessarily interfere with projects and programs of the City of Benton, Arkansas and the inhabitants thereof, an emergency is hereby declared to exist; and this ordinance is necessary for the preservation of the public peace, health, and safety. It shall take effect and be in full force from and after its passage and approval.

PASSED AND APPROVED this the 24 day of August 2020.



Tom Farmer, Mayor

Attest:



Cindy Stracener, City Clerk

EXHIBIT 1

BENTON SIGN REGULATIONS

City of Benton, Arkansas

Ordinance 31 of 2020

BENTON SIGN REGULATIONS

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 Benton 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 Benton 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; 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 containing 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 City of Benton.

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.

Existing single pole on-premise signs which are not on property that is immediately adjacent to the Interstate (i.e. within the Interstate zone) are nonconforming and cannot be modified or relocated and must conform fully to these regulations.

Building and/or Remodel permit approvals do not include approval for signage or signs nor for any changes, relocations, and modifications to existing signs.

New developments or expansions of existing buildings/businesses must seek separate sign permit(s) for building signs or site sign(s). Commercial developments located within a common parcel or structure and within one un-subdivided parcel and allowing more than one Tenant, must have a one site sign (2-pole/pylon type sign) on which to advertise for all Tenants. Tenants of commercial developments (existing and new) are required to obtain a sign permit before changing the building or site sign panel or faces of the same. If a 2nd Pylon or site sign is needed for the development due to subdividing structures and thus increasing tenants, then a sign application is required for approval of a 2nd site sign. The 2nd site sign must be placed 100 feet from the first and approved by Variance first then by the Planning Commission.

New Businesses/Tenants of existing commercial structures must get the building owner to concur in writing for their panel/new wall sign/ or window signage and attach it to the permit application for pursuing approval in modification of an existing building wall sign or site sign. In the case of an approved land use change/rezoning, allowing a structure to be used as a business for the first time, then the application must include the building owner concurrence in writing and business licensure.

All new Tenants of a building must obtain a separate sign permit prior to placing a sign on the building or changing any site sign panels. If a new Tenant/Business is required to obtain a business license (other than for a change in address), then a fee will be charged for the sign permit. If an existing Business with an active business license in Benton, relocates to another address within the city limits, then all signs must conform fully for the land use/zoning at the new location and the Building owner must concur in writing and a Sign Permit application must be approved. For existing businesses that are relocating and the dimensions of building or site signs or panels of the same are not to change from existing signage at the new location, then the relocation of existing wall and site signage permit is allowed and a permit fee will not be charged.

SECTION TWO

General provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Benton 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) Single pole signs with the exception of on or off premise interstate Billboard signs are allowed and described in Section 3.05
- (3) Festoons and search lights
- (4) Signs imitating or resembling official traffic or government signs or signals

- (5) Snipe signs or signs attached to fences, trees, telephone poles, public benches, streetlights located in public right-of-way and placed on any public property or within 8 feet of the paved surface
- (6) Permanent sale or come-on signs
- (7) Obscene signs
- (8) Inflatable Signs over ten (10) feet tall by ten (10) feet wide by ten (10) feet deep, or one thousand (1000) cubic feet
- (9) Billboards unless otherwise permitted herein
- (10) No sign will be placed or protrude into the highway right-of-way. The edge of a sign, when measured vertically from the existing ground, will not be in a street or highway right-of-way
- (11) Bench signs
- (12) Multi-faced Signs which are three (3) or more by definition.
- (13) LED/EDM signs are not allowed in Residential districts or within 1,500 feet of any Residential district exception those which have been constructed prior to the time of the adoption of this Ordinance and are on Military Road. EDM, EMD, changeable electronic messaging center and/or any display signs are not allowed in any zone, including the Historical District, but are allowed in commercial zones subject to the other restrictions stated in this ordinance. EDM /EMD signs cannot be placed in windows. Fuel pricing LED signs are allowed. See Section 2.07.
- (14) Billboards and Off-Premise signs unless authorized in according to Section 2.11
- (15) Portable arrow signs
- (16) Off-Premise Advertising signs may not exist outside the Interstate Zone.
- (17) Off-Premise Advertising or any special event or business sign may not be temporarily or permanently placed on retaining walls, fences, barriers, poles, in yards or areas along a street except for as specified in Section 2.03.
- (18) Off-Premise advertising signs in Residential zoned districts. Directional signs are allowed but in special situations as defined in this ordinance.
- (19) Flashing or Animated , moving, blinking, reflecting, revolving, etc. type Signs. See Definitions within 7.4.
- (20) Multiple Banner signs not allowed except as authorized in Section 2.10.
- (21) Inflatable signs over ten (10) feet tall by ten (10) feet wide by ten (10) feet deep, or 1000 cubic feet are not allowed, however, for a 1 time per year special event at any address, a permit can be submitted and obtained for a maximum number of days only which may or may not coincide with the length of the event.
- (22) Mobile electronic signs.

Section 2.02-Permits Required

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in the most current fee ordinance. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs unless conditions of Section 1.03 shall apply if there is a change in property ownership, business or business licensure at the address.

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. Signs 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, one (1) per occupancy
- (4) Political signs. See 2.03.1
- (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 covering <25% of total window area and are Static (i.e. stick on or paper or painted). LED/EDM signs are not allowed in windows and shall not be animated signs, blinking signs, or electronic message boards.
- (8) Incidental signs (signs for no consequence, total per site \leq 4sf, see 3.03 and 7.04 definition)
- (9) Real estate signs: For residential sales shall be one (1) sign per street frontage and/or one (1) sign per parcel, and/or one (1) sign per tenant lease space not exceeding nine (9) square feet in area and six (6) feet in height, provided it is not in street right-of-way or within eight (8) feet of paved area, 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 nine (9) 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 (1) signs 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, leading edge of sign shall not occupy street right-of-way or be no closer than eight (8) feet of paved surface, 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 such as for a going out-of-business, Vacancy of room/space, or to hire staffing are allowed but they must be placed on the same parcel as the business and not exceed twenty-four (24) square feet and be maintained and if used regularly, and be framed and supported and placed in a fixed location.
- (13) Sign face changes not requiring any change to the structure of a sign. An EDM/EMD type face structure is considered a modification of the sign and face type and not a face change.
- (14) A Frame Sign as allowed in Section 3
- (15) Inflatable signs less than ten (10) feet high, by ten (10) feet wide, by ten (10) feet deep, or one thousand (1000) cubic feet
- (16) Yard/garage sale signs
- (17) Special event signs which may be placed no more than two (2) weeks prior to the special event and must be removed within three (3) days of the event concluding. Placement of special event signs shall be located on private property with the permission of the property owner. Special event signs shall be placed in a manner which will not block the view of traffic and they shall not be within the street ROW.
- (18) Temporary Off-Premises Advertising Signs placed in on residential property for no more than thirty (30) days such as advertising for roofing contractors, fence installation, etc.

Section 2.03.1-Political Signs

No permit is required. Political signs shall be removed within fourteen (14) days after primary/general election or election to which they pertain whichever is sooner. Political signs may not be posted earlier than ninety (90) days prior to a primary/general election. Political signs may be located no closer than six (6) feet from edge of pavement or even with the sidewalk, whichever exists but not within the street ROW. Large signs (thirty-two (32) sq. ft. or larger) may be located on private property as long as they do not pose a line-of-sight or clear view issue for traffic and are located at a minimum of six (6) feet or further from the paved surface. Line-of-sight or clear view will be determined by Code Enforcement/Community Development.

Section 2.04-Garage/Yard Sale Signs

No permit is required. May be used for residential garage/yard sales only and must not be placed within street right-of-way and be six (6) feet of the paved road surface.

Size and Type

All signs shall be no larger than nine (9) sq. ft., 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 at any intersection under the following conditions: No garage/yard sale sign shall be placed, affixed, stapled, glued or taped to any utility pole, street sign, tree, stop sign, fence, etc. No garage/yard sale sign shall be placed within a street right-of-way or eight (8) feet of the paved street surface 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 including along streets. No sign will be placed any earlier than six (6:00) P.M. the night before and must be picked up by seven (7:00) P.M. on the last day of the sale.

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, and free from rust corrosion and well maintained. A face must be present at all times over all display areas whether advertising a business that is present or not and meet the above requirements, except for the period in which repairs or approved modifications are being made. Thirty (30) days are allowed to complete repairs. All repair and modification work must be communicated to the Community Development Office prior to commencing for permit determinations to be made.

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 or fallen into disrepair, the property owner will be notified and the owner has ten (10) days to contact Community Development to discuss his/her

timeframe and plan and must correct the problems within sixty (60) days of notification. If the condition(s) is not corrected within sixty (60) days, the sign shall be required to be removed and the owner must reimburse the city or lien action will be filed.

Section 2.06-Lighting/Brightness Limits

- 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 unless the sign has been in place prior to the time of the adoption of this Ordinance and the sign is along Military Road.
- B. Every part of the light source of any illuminated sign shall be concealed from view/ shielded to not cause undue light pollution for adjacent property and shall not be viewable from vehicular traffic in the public right-of-way. The light shall not travel from the light source directly to vehicular traffic in the public right-of-way or adjacent property and 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.
- E. All existing lights, LED, EDM/EMD, electronic message centers or displays of any type must adhere to the following luminance and illumination level requirements. It is the responsibility of the Property Owners to ensure luminance and illumination levels are not exceeded and that defaults are in place so that any failure or malfunction in operation places the sign in a static state (i.e. fixed position with no flashing or movement). Luminance and illumination levels indicated herein and default operation must be verified prior to the initial use of the sign/displays during day or night hours. The city may require that the owner provide a report and get certified verification from an independent contractor that the following luminance and illumination levels are not exceeded.

Brightness limits for Luminance levels at sign face:

- *5,000 nits between sunrise and sunset
- *700 nits during nighttime hours within the Interstate zone
- *250 nits during nighttime hours outside the interstate zone and within commercial districts not adjacent to residential districts
- *125 nits during nighttime hours outside the interstate zone and adjacent to residential districts

Brightness limits for Illumination Levels at 150 feet from the sign face:

- *0.3 foot-candles above ambient light levels or
- *3 lux above ambient light levels

*As recommended by the Illuminating Engineering Society of North America (IESNA) and United States Sign Council (USSC)

Section 2.07-Changeable Copy Signs

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 not allowed except in commercial zones. Static LED fuel price signs are allowed, so long as the lighting levels comply with 2.06. All EMD/EDM, or electronic message boards or centers or displays that exist outside of the commercial zones as of the effective date of this Ordinance, must be included on the City's inventory and will be considered Non-Conforming. All changeable copy signs must be operated so that each message/static display remains for 8 seconds before changing. No display or transition between advertising displays may contain flashing, animation, motion, video or changing in color or intensity (including borders) and all transitions between each advertisement display must be complete within 2 seconds or less. The luminance/illumination levels apply as defined in section 2.06. Compliance will be determined by Code Enforcement/Community Development. The hours of LED/EDM/EMD sign operation outside the Interstate zone will be 5 a.m. to 11 p.m. daily, except where approval to deviate from these limits is sought and granted from the Community Development Director.

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. Otherwise, no sign shall project into the public right-of-way. Projection signs may be subject to providing proof of insurance if extending over sidewalks or any portion of the 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, official emergency vehicles or official highway directional/informational signs.

Section 2.10- Banners

Banners (per Section 7.05 "Definitions") are allowed to be used in commercial zones. Only one (1) Banner is allowed for every twenty-five feet (25') of highway or street frontage for a single site with a single commercial, institutional, industrial, or service location and business license. All flag banners are considered a Banner, therefore, one flag banner may be used or one banner properly mounted between two fixed poles (or a fixed base for flag type banner) at a designated and approved location on the property. The banner must be affixed at an approved location on the site or building face. Banners cannot be placed within clear view zones, obstruct clear viewing of any traffic, or obscure visibility or the use of any entry/exit access way to or from the property or access along walkways, ramps, or doorways. A Banner sign may not be attached to fences, railings, trees, roofs, or poles along property lines. A Banner permit will be issued to each business entitling that business to display a banner legally placed and affixed banner. Flag banners are defined as a banner and will be counted as such.

Cable hung banners for special time limited events only may be permitted by the Community Development Director for specific times as stated in the approval and as mounted or affixing the cables only.

For Interstate facing property/businesses, two types of Banners are allowed if a permit has been obtained. On premise light Poles are allowed to have mounted On premise advertising Banners < 4 sf each, along Interstate property and do not count towards the two Banners.

For multi-Tenant shopping areas such as strip malls and/or multiple zero-lot line structures, as may exist, but is not limited to TC zoning Districts, etc., collectively the multi-tenant shopping area may have one banner for every twenty-five feet (25') of highway frontage. Determination of which tenants are able to place the Banners within this area will be determined by the owner of the property. In addition, any Banners which are mounted on the store frontage must be done in accordance with the zoning district regulations herein. Any temporary foldable free-standing sidewalk stand may be used but it cannot block sidewalk access.

Short Term use of business sign Banners: A Banner may be wall mounted and/or placed on the Site sign as temporary business sign Banners that do not exceed the zoning size requirements and can be used for a new business **up to 2 weeks** while awaiting its permanent sign structure to be available **only** if an approved permit has been issued for the permanent business signs and structures.

Section 2.11-Off Premise Billboards & Off-Premise Advertisement Signs

After the effective date of this ordinance, it shall be unlawful for any person to erect, expand, move, or place any billboard which does not fully conform to the requirements set forth herein.

No new Off-Premise Billboard is allowed within the City of Benton in any zoning district except within the Interstate zone of I-30.

No presently existing Off-Premise Billboard may be replaced if damaged if it is closer than 1,000 feet from another existing Off-Premise Billboard along the same side of the Interstate and within the Interstate zone of I-30.

All properly permitted off premises Billboards which exist outside of the Interstate zone of I-30 may remain until any portion of the sign is damaged to the extent of more than fifty percent (50%) of the current sign value and 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. Once the determination is made by the City that the Billboard may not be repaired, it shall be removed within sixty (60) days.

No Off-Premise advertising sign is allowed within the city limits along any street or roadway or on any structure, building, fence, or wall.

All Off-premise signs and Billboards which conform to this ordinance or which are authorized to remain must be recorded within the City of Benton Off-premise sign or Billboard Inventory. The type of face and size and other key data and contact information must be provided and recorded for each sign or billboard placed in the inventory. All Off-premise signs and Billboards

which do not conform to this ordinance or which are not authorized to remain must be removed within sixty (60) days of notice by the City that the sign or Billboard does not conform to this ordinance.

The owner of any Off-Premise sign or Billboard which either conforms to this ordinance or is authorized to remain shall verify that the Billboard has recorded in the inventory of the City and must obtain a City of Benton assigned permit number ID Tag by November 1, 2020 and permanently affix the Tag to the pole at a height of 6'-0" above grade by December 1, 2020. Notification will be made by the owner to Community Development when the Tag has been placed. The permit number assigned must not be damaged and must be placed so that it is easily accessed and clearly legible.

Annual Off-Premise Sign and Billboard Renewal permit fees apply. See Section 6.03.

Section 2.13-Special Restricted Areas:

Monument Signs ONLY along all local streets, collectors and arterials within the City of Benton and for specific streets such as but not limited to Military Road /Benton Parkway/South Street/Northshore/North Street/Alcoa Rd(Hwy 88 from Carpenter to Military and to Benton Parkway)/ Hwy 5(I-30 to Bryant CL)/ Hwy5 (from Hwy35/Kenwood to Benton CL)/Alcoa (from Hwy 5 to Benton Parkway)/ Hwy35 (from Hwy5 to Benton Parkway), Longhills/ Congo/ Shenandoah/ Salt Creek/Winchester/Boone/Northshore/and all institutional, industrial, commercial and residential zoned properties and within all TC districts.

Monument and two pole signs are allowed on Hwy5 lying north/west of Salt Creek Rd and along Hwy35 /Edison (or Hwy 183) and the Benton Parkway juncture and from that juncture along Hwy 35 to the south to the city limits and along Hwy 183 to the east and to the city limits to the east.

Section 2.12-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 such signs near public right-of-ways and which could be downed and thus causing damage or harm to the public or public property must show proof of liability insurance equivalent to potential damages as may occur upon or to public property and any element/structure within public property. The liability amount is \$1,000,000 and indicate a \$1,000 deductible per occurrence. This proof of insurance for each specific sign location shall be provided to the City of Benton, Benton Utilities, and ARDOT, according to the public entity that is responsible for the public right-of-way and any utilities/structures within that right-of-way. The insured entity must be defined and the policy must be kept current and updated policies are to be provided if any changes in the proof of insurance are altered throughout the entire time in which the sign and its structure exist. In the alternative, a copy of an Arkansas State Contractor's License shall suffice for the proof of insurance requirements stated herein.

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

Legend

Regulation by Zone

=equal to >more than <less than

For sign and other definitions, see Section 7.04

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 R1, R2, R3, R4, R5, R6, R7, R8, *TC1,*TC2, *TC3,*PUD	All signs permitted in Section 3.01	As shown in these sections
		subdivision or neighborhood identification sign per external street frontage	Monument sign =< 48 sq. ft. =< 6 ft. in height. May be on street property line as long as it does not extend into the clear view zone.
		identification sign per entrance to apartment or condominium complex	Monument sign =< 36 sq. ft. =< 6 ft. in height. May be on street property line as long as it does not extend into the clear view zone.
		monument only (see section 2.12 for two-pole sign) and 1 wall sign for permitted non-residential uses including religious facilities	=< 48 sq. ft. =< 6 ft. 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 clear view zone.
		Off-Premise Directional signs only in commercial or Industrial zoned areas	For emergency, religious, or institutional facilities and must be approved by Community Development Director. Property owner permission required in writing at the time of

applying for a permit. Must meet residential requirements, be maintained and cannot be placed in street right-of-way.

EMD/EDM signs Not Allowed

*These zoning districts may have special residential areas within them and commercial or institutional properties that will dictate special considerations associated with their signage allowances and are usually dictated by their overall impact to the residential properties.

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

Section Number	Zone(s)	Signs Allowed	Limitations
3.03	C1, C2, C3, LI, HI, S *TC1, *TC2, *TC3, *PUD	All signs permitted in Sections 3.01 and 3.02	As shown in these sections
		Banner Sign	=< 24 sq. ft. in area per side 1 banner sign is allowed per twenty five feet of highway or street frontage (25')(see Section 2.10). Banners may be changed. Banners may not be placed within the street right-of-way. Cable hung banners are not permitted within the street right-of-way unless they are of a temporary nature and will be removed within 8 hours of posting. Banners may not be hung from awnings unless canopy sign requirements can be met. (See Section 6.03 Permit Fees)
		A-Frame sign No permit is required	=< 3 ft. in height =< 2 ft. in width Allowed in commercial districts only and use for temporary banners (see definition). Allowed on a sidewalk immediately in front of the business but not within the street right-of-way. Must leave 36 inches of walkable sidewalk width. Must be readily movable. No permit is required. This does not include real estate signs.

<p>Monument, Pylon, or two-pole sign(see section 2.12) 1 per street frontage</p>	<p>All businesses located within a strip of zero lot line buildings as a shopping center or commercial development must have one pylon, two-pole (see section 2.12) or monument type sign with advertising faces for use. Only one On-Premise sign is allowed. Lots or developments =< 5 acres in size =< 64 sq. ft. in area per side =< 8 ft. in height Lots or developments > 5 and < 20 acres in size =< 64 sq. ft. in area per side =< 10 ft. in height Lots of developments > 20 acres in size =< 96 sq. ft. in area per side =< 10 ft. in height Street frontage must be => 325 ft. in length If frontage is < 325 ft., the 5-20 acre limits above apply.</p>
<p>Monument sign</p>	<p>=< 64 sq. ft. –height determined by lot size as noted above. May abut street property line as long as it does not extend into the clear view zone. Except in zones TC1, TC2, and TC3 the maximum size =<48sf and maximum height is 6 ft.</p>
<p>Off-premise directional signs</p>	<p>Only directional signs allowed =< 32 sq. ft. in area per side =< 6 ft. in height Located outside the public right-of-way with the property owner’s permission. No closer than 100 ft. from the nearest other off-premise directional sign.</p>
<p>EMD/EDM signs</p>	<p>Not Allowed</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>

Awning sign	=< 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
Under canopy sign	=< 8sq ft. =>7 ft. clearance to grade 1 sign for each separate occupancy or entrance. External illumination only.
Projecting sign (Blade Sign) May be used in lieu of a wall sign	May not project more than 8 ft. 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
Incidental signs	=< 4 sq. ft. per occupancy
Window signs	No permit is required if do not exceed 25% total window area.

*These zoning districts may contain commercial, offices, institutional type areas which will require special consideration with signage compatible with this section and subject to the review and approval by Community Development. Also see Section 2.11, 3.04, and PUD requirements within the Zoning Regulations.

Downtown (TC1, TC2, TC3) Sign Zone:

The Downtown Zones have 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 TC districts, 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 Community Development as outline in Section 6.06.

Downtown (TC1, TC2, TC3): Sign Permit Required

Section Number	Zone(s)	Signs Allowed	Limitations
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3.04	TC1 TC2 TC3	As shown in these sections
Monument, Pylon, or 2 pole sign(see section 2.12)	Allowed under special conditions for businesses and offices, and certain institutions with restrictions based on lot size as noted in 3.03 and overall impact to nearby residential and meet size and height restrictions for TC1, TC2, and TC3 districts.	
Banner sign	<p>=< 24 sq. ft. in area per side</p> <p>1 banner sign is allowed per tenant or business location. Banners may be changed. 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 ft. in height</p> <p>=< 2 ft. in width</p> <p>Allowed in the street right-of-way, on a sidewalk immediately in front of the business. Must leave 36 inches of walkable sidewalk width. Must be readily movable.</p>	
Wall sign May be used in lieu of a projecting sign	<p>=< 10% of aggregate area of building elevation on which the sign(s) are installed. Must advertise business to which they are attached. The total of all wall and awning signs can be no more than the 10% aggregate area. No off-premises wall signs are allowed.</p>	
Awning sign	<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>	
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 6 inches to the line of paved street surface.</p>	
Projecting sign (Blade Sign) May be used in lieu of a wall sign	<p>May not project more than 8 ft. from the side of a structure</p>	

=< 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
 May project beyond the front property line, but may not be closer than 6 inches to the line of the paved street surface.
 1 sign for each separate occupancy or entrance

Window sign	No permit is required. Limited to not exceed 25% of total window area.
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.
LED/EDM signs	Not Allowed, except LED only are allowed for fuel pricing static displays.

Interstate Signage: Sign Permit Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.05	Property must be adjacent to I-30, must be Zoned C3 or C2, and Off-Premise Billboard must not be closer than 1,000 ft. apart and 1,000 ft. of the centerline of Interstate 30. All Interstate Off-Premise Billboards must be approved by ARDOT after City approval.	All signs permitted in Sections 3.01, 3.02, and 3.03 with the below additional allowances for interstate static and LED/EMD signs(see section 2.12)	New Off-Premise Billboards are allowed and a new Off- Premise Billboard may only be installed if one that exists and is included in the city's inventory has been removed and all other requirements of ARDOT and the City have been met as described herein. All Billboards not meeting the requirements herein are considered Non-Conforming and cannot be modified except to conform.
		On-Premise interstate Billboard sign. ARDOT does not approve On	Principal purpose must be to address interstate traffic. =< 300 sq. ft. On Premise

Premise signs or Billboards.

Must be on property abutting Interstate I-30. May be used in lieu of monument, or a Pylon sign(see section 2.12)

Maximum of Two sides with both facing interstate traffic
Height must be \leq 50 ft. above adjacent interstate lane elevation with maximum height above grade of property \leq 75 feet, whichever is the least, to the highest portion of the sign. One such type of on - premise interstate Single Pole sign or Interstate Pylon sign is allowed. If the property has two street frontages, then a monument sign for single business or Multi-panel Pylon for multiple tenants or business sign may also be installed along the local street frontage but it cannot exceed height limitations according commercial lot size and sign dimension restrictions. Only one On-Premise Billboard may exist on any property adjacent to the Interstate. On-Premise and Off-Premise Billboards on the same parcel must be greater than or equal to 50 feet apart and setback a distance of at least 50 feet from the ROW from each other.

Double stacked Billboards are not allowed. Each face must be continuous with no gaps and gaps contribute to the limitation of maximum face size.

Static LED/EMD sign

Static light emitting diode (LED) sign for fuel pricing purposes may be displayed. On-Premise and an Off-Premise Billboard structures or signs that are on property adjacent to the Interstate and of any size and contain an electronic messaging display of any size and type, must be at least 350 ft. apart on the same side of the Interstate whether on the same parcel or separated by multiple parcels and this includes any such sign on the Building or roof of the Building. Messaging signs are not allowed to be facing Interstate traffic from within a building or mounted on any portion of the building.

Off-Premise Billboard must be on property abutting Interstate 30 and must be on C2/C3

New Off-Premise Billboards are allowed if all other requirements of ARDOT and the City have been met as described herein.

zoned property and minimum of 1,000 feet apart and approved by ARDOT. ARDOT Approval must be provided to the City prior to starting installation. (see section 2.11). A copy of ARDOT approval must be provided to the City along with proof of insurance and ARDOT assigned permit number.

Maximum size to be determined based on nearest On-Premise existing sign but no larger than 672 sq. ft. At no time may a new Off-Premise Billboard or On-Premise Billboard hinder an existing On-Premise billboard or obstruct its view from the Interstate.

Maximum of Two sides with both facing interstate traffic

Height must be ≤ 50 ft. above adjacent interstate lane elevation with maximum height above grade of property ≤ 75 feet, whichever is the least, measured to the highest portion of the billboard.

≥ 25 ft. to the rear of the On-Premises Interstate or local traffic sign and no closer than 25 feet to any free standing sign.

$\geq 1,000$ ft. from the nearest other Off-Premise Billboard on the same side of the interstate. Non-conforming Billboards less than 1,000 ft from other Billboards are subject to loss of Non-conforming status and must obtain new permit approval for any modifications or relocations and if they are damaged. If they are closer than 1,000 ft., then they may not be allowed to be replaced if destroyed or damaged.

The City of Benton and ARDOT requires that all EDM/EMD type Off- Premise Billboards be $\geq 1,500$ feet from the nearest other EDM/EMD type Off-Premise Billboard on the same side of the Interstate,

Must be mounted on a single pole and shall not be double stacked. Double stacked Billboards are not allowed. Each face must be continuous with no gaps and gaps contribute to the limitation of maximum face size. Only one On-Premise and one Off-Premise Billboard may exist on any property adjacent to the Interstate.

SECTION FOUR

Non-conforming Signs

Section 4.01-Determination of Legal Non-conformity

- (1) A non-conforming 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, single pole, off-premise advertising, 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, modified, or relocated, except in the case of street relocation.
- (3) All current wood pole or multiple I-beam billboards shall be allowed replacement to a monopole sign as long as they meet spacing of one thousand (1,000) feet for Static Faces or fifteen hundred (1,500) feet for electronic message center spacing as required by the City of Benton.

Section 4.02-Loss of Legal Non-conforming Status

A legal non-conforming sign shall lose this designation and must fully conform to these regulations under the following conditions:

- (1) Existing signs outside the interstate zone:
 - a. If it is relocated or modified in size, type, type of face, or configuration.
 - b. If any portion of the sign is damaged to the extent of more than fifty percent (50%) of the current sign value and 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.
 - c. Exception: If the structural components of the sign including the face structure is damaged or destroyed and the cost of repair is less than fifty percent (50%) of the current sign value, 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 if it complies with these regulations.
- (2) Interstate signs/billboards: Existing on premise, freestanding pole signs previously allowed up to 300 sq. ft. area per side 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 sq. ft. in area. If an existing on premise billboard is larger than 300 sf and is damaged then it must not exceed 300 sf when it is replaced. In no case, may a sign face be replaced with a face larger than 300 s.f. and cannot be double stacked and no gap in the face may exist between panels for displays.
 - c. Total height of interstate sign must meet this ordinance if structural components of the sign are altered unless it was less than the maximum height and in this case cannot be increased unless approval is obtained by permit after site conditions have been validated to warrant the need.
- (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 or a change in face type such as static face to EMD/EDM.

- (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 which does not increase under roof square feet by more than 50% on the same property, then the structure(s) added shall not cause the loss of legal non-conformity.
 - c. A change of ownership or business or business type or added businesses at a property will not cause a loss of legal non-conformity of any sign or on- premise or off-premise single pole or pylon sign or billboard.
- (5) A sign or billboard is allowed to change the advertising face copy without loss of legal non-conforming status however a change in face type such as static to electronic messaging is considered a modification and is not allowed except within the Interstate zone of I-30.
- (6) The sign is relocated, except in the case of a street relocation, expansion, or improvement. No modification of any dimension or height of the sign may be made in its relocation for this reason.

Section 4.03-Maintenance and Repair of Non-conforming Signs

The legal non-conforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. At no time shall structural components of a sign be allowed to be visible for more than 2 weeks. Temporary or permanent painted face panels must be in place to cover structural elements. The support poles, base, and sign cabinet exposed surfaces should be kept rust free and in good repair. Any loose and/or unsafe components must be repaired immediately.

If any sign (including any non-conforming sign) is found to no longer advertise a business that has been discontinued for ninety (90) days or more and/or the sign(s) have been abandoned and fallen into disrepair, the sign will lose legal non-conforming status and shall be removed. The property and sign will be posted and the owner will be issued a notice of violation by certified mail. The property owner must then respond to Community Development within 10 days of the date on the notice of violation and must correct the condition within thirty (30) days. If the condition is not corrected within 30 days of the notice of violation, then the sign will lose legal non-conforming status and further Code Enforcement action will proceed as defined in Section 6.05.

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 shall 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-Application for Permits

The Community Development Director or his/her designee shall administer this ordinance.

The Application for a permit for the erection, relocation, or modification of a sign shall be made on a form provided by Community Development and shall be complete and accurate prior to the review commencing. All applications for permits filed with Community Development shall be reviewed and action initiated within two (2) business days. An application is not considered complete until staff have been provided all documents as required. Staff will annotate the date on the application when it is determined that all required documentation has been provided and the date in which the review of the application shall officially commence.

The Community Development Director is authorized to process applications for permits and variances, and cause committee action to hold public hearings, as required. Code Enforcement/Community Development will enforce and carry out all provisions of this code. The application procedure shall be a code review for all signage by zoning district and additionally for site signage shall be subject to obtaining concurrence from all departments represented within the Development Review Committee (DRC). A timeframe from receiving and application to issuing approval is contingent upon several factors and primarily if the application and all required documentation is properly submitted initially. The following are the timeframes typical for usual and proper time for review and approvals:

***BillBoards (On-Premise/Off-Premise/Improvements/Modifications/relocations/new): 30 days**

***Other Off-Premise Signs outside the Interstate zone: 30 days**

***On-Premise site signs and wall signs outside the Interstate zone: 14 days**

***All Other signs/banners: 7 days**

Community Development shall issue all sign permits. The Community Development inspectors are 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.

A complete and full application must 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) Place a white stake or stakes at the specific location of the property where the sign (including at all corners) is proposed to be placed as shown on the drawing.

- (4) Written permission from the property owner for the placement of the proposed sign(s) on the site.
- (5) Plans for the sign, drawn to scale, showing the proposed location of the sign in relation to other signs on the site and all dimensions of the sign and to the nearest two property lines, entry/exit drives, and street right-of-way(s).
- (6) Specifications and drawings showing the materials, design, dimensions for the building elevations and that of any wall sign, structural supports, and electrical components of the proposed sign.
- (7) A complete color scheme for the sign, and design drawing of the sign.
- (8) Sufficient other details of the proposed sign to show that it complies with the provisions of this regulation, including electrical power and lighting requirements.
- (9) Computation of the total sign area, the area of each individual sign, the height of each sign from existing and adjacent grade, and the total number of existing and proposed signs on the site.
- (10) An accurate indication on the site plan of the proposed location of each present and future sign.
- (11) Specific GPS location.
- (12) ARDOT approval for all off-premise Interstate Billboards/signs located on the interstate and frontage roads and the assigned ARDOT permit number must be provided prior to commencing any work on site.
- (13) Proof of Insurance
- (14) All Off-Premise signs must be issued a City of Benton Permit number and be included in the Inventory. The permit number must be permanently affixed to the sign structure as described herein.
- (15) Other information as required by the department.

Banner Sign:

- (1) Name and address of the property owner, name of business, business owner, and applicant.
- (2) Street address and the location of the property on which the banner sign is to be located, along with the address of the property owner.
- (3) Specific details of the banner with dimensions and elevation view with dimensions.
- (4) A scale site plan of the proposed location of the banner display with dimensions to any entry/exit to streets and dimensions from the street ROW and elevation showing proposed mounting to a building or banner fixed site support structure. No Banner may be over 2 feet in height within the clear view zone.
- (5) Temporary/removable supports are not allowed.
- (6) Other information as required by the department.

Expiration of Sign Permit:

Approval of a sign permit shall expire 12 months from the date of approval and subject to be revoked unless the complete sign structure and all electrical work has been installed. All work, including the final electrical inspection must be complete within the 12 month permit period. A written letter requesting an approval to extend the timeframe must be obtained from the Community Development Director.

Section 6.02- Issuance and Denial

Community Development shall issue a permit for the continued utilization of the on or off-premises erection, structural alteration, modification, or relocation of a sign provided that the sign complies with

all applicable laws and ordinances 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 approved, notification (electronic or by phone) will be made by the Community Development Office within 2 days of the decision. When a permit is denied, a written/electronic and phone notification will be made that will include a brief statement indicating the reasons for the denial, citing code sections and/or interpretation of possible nonconformity.

An approved permit can be revoked by the Community Development Director for any misrepresentation or any false statement of fact expressed verbally or within any part of the permit application or if any new issues are brought forward by any City of Benton/Benton Utility Department(s) or it has reached its expiration date prior to being completed and final inspection documented.

Section 6.03-Permit Fees

Upon approval, the payment of the permit fee for each sign is required by the ordinance. The initial sign permit fee and any additional permit for the same sign, as required by this ordinance, shall be based on the existing fee ordinance. Any required electrical permit fees or inspection fees shall be an additional cost. Permit and inspection fees are nonrefundable. Re-inspection fees apply. Annual renewal permit fees apply to Off-Premise advertising signs/billboards as depicted below.

Annual Renewal Off-Premise Sign and Billboard Permit Fee:

The below specified annual permit renewal fee must be paid to Community Development Department by January 1 of each year. A late fee of 25% will be assessed after January 1st and until January 15th of each year. Further Code Enforcement actions will commence if renewal fees are not received by January 15th which will entail a written citation being issued and a Court date established with potential fines up to \$500 per violation being assessed above the permit fee and late fee amounts. The purpose of this annual fee is to offset the cost to the City of Benton for enforcement of this Ordinance and should not be construed as a charge for the privilege of doing business.

	<u>Annual Renewal Fee Amount:</u>
Off-Premise <u>Static</u> Face Signs < 96 square feet per side:	\$ 50.00 (1 or 2 sided)
Off-Premise <u>EMD/EDM</u> Face signs < 96 square feet per side:	\$100.00 (1 or 2 sided)
Off-Premise <u>Static</u> Face Signs ≥ 96 square feet per side:	\$100.00(1 or 2 sided)
Off-Premise <u>EMD/EDM</u> structure Signs ≥ 96 square feet per side:	\$200.00(1 or 2 sided)

Banner permits are required initially and will remain at thirty-five dollars (\$35). There will not be an annual renewal permit fee for the use of Banner signs.

Section 6.04-Inspection Upon Completion

Any person installing, structurally altering, modifying, or relocating a sign for which a permit has been issued shall notify Community Development upon completion of the work. Community Development may require inspection(s), including a footing inspection an electrical inspection and/or a final inspection on freestanding signs.

If repair of a damaged sign or its structure, face, cabinets, etc. is to be made, then notification should be made to Community Development indicating the scope of work and address that the work will be done.

At the time of permit approval and issuance, the applicant will be informed of any required additional permits, inspections and specific timeframes and requirements that the applicant must follow to ensure the inspections are properly completed.

Section 6.05-Code Enforcement & Violations/Abatement

Code Enforcement/Community Development will enforce and carry out all provisions of this code.

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 Community Development, 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.

The City shall maintain an inventory and identify illegal, non-conforming, and/or abandoned signs within its jurisdiction. The City shall issue citations to the owners of identified illegal or abandoned signs and proceed as necessary to ensure owners/tenants/lessee bring the sign into compliance and/or proceed with abatement of the issues according to these regulations.

When a violation of the sign code exists, Code Enforcement/Community Development shall issue a notice of violation by certified mail to the alleged property owner/violator. The property shall also be posted with a placard indicating a violation has been defined. The property owner is responsible to contact the Community Development Office within 10 days of the date of the placard and date of the notice of violation certified letter. Corrections of all violations are to be initiated immediately by the owner or any and all tenants. The notice of violation shall specify those sections of the sign code which are in violation and shall state that the owner has ten (10) days to contact the Community Development Director and thirty (30) days from the date of the notice in which to correct the alleged violation(s).

If, upon inspection, Community Development and/or Code Enforcement Officer finds that a sign is abandoned or structurally, materially, or electrically defective and repairs are needed, then the property owner shall take appropriate action as directed in the notice of violation. The lack of response by the owner in correcting the violation or responding to the Community Development Director/Code Enforcement will invoke further Code Enforcement action, removal of the sign, business licensure being revoked, and/or citations and fines to be issued. The City reserves the right to condemn such signs/structures and cause them to be removed, and penalties/fines to be levied against the owner and property.

If the violations are of such magnitude or concern that it/they endanger the public or any portion of public property, then Code Enforcement and/or Community Development Director shall so state such danger and indicate immediate removal or resolution to the problem. In such cases of emergency, Community Development and/or Code Enforcement Officer 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 and or cause emergent concern according the local building, street, or utility codes.

After emergent removal or demolition of a sign, Community Development and/or Code Enforcement shall mail a notice 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. The Individual must contact the Community Development Director within ten (10) days.

In cases of any signs (including yard signs, signs on poles, signs on fences, walls, or barriers, or banners, or event signs, etc.) that are placed illegally anywhere in the city and/or within the public right-of-way, then Code Enforcement and/or the Community Development Director may cause immediate removal of the sign without notification to the owner of the sign. Recurring placement of such signs illegally will not be tolerated. Offenses shall not be limited to by any period of time annually or otherwise. The business owner and/or violator shall be issued a notice of violation for the 1st offense that shall indicate upon another or 2nd offense will cause the business licensure to be revoked immediately unless immediate compliance is obtained. Annual renewal of business licensure will not be granted unless full compliance is attained. A 3rd offense shall cause a citation to be issued with potential fines of up to \$500 per location/offense.

Section 6.06-Penalties

If the amount specified in the notice of a repair, demolition, or emergent removal action that has been accomplished by the City of Benton and after duly informing the property owner and that amount or cost has not been 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.

In addition, any person who fails to comply with the provisions of this Ordinance within ten (10) days after a notice of violation by Community Development and/or a Code Enforcement Officer may be subject to a fine of up to \$500 per day that the violation continues per offense.

Section 6.07-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. The fee for any sign variance request shall be two hundred dollars (\$200).

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.

Community Development shall review the request with input from Benton Utilities as needed to determine if the variance should be granted. If the Community Development 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 mailboxes at City Hall or in another manner approved by the Mayor. If anyone of the City Council members feels that the variance request should not have been granted, the Council member must notify the Community Development Director within no less than five (5) working days from the date of the Community Development Director's decision to grant the request. Upon such notification, the Community Development Director shall refer the variance request to the Board of Adjustment. In order to be placed on the agenda, such notification

must be submitted no less than seventeen (17) days prior to the Board of Adjustment. If the Board of Adjustment should also decide to grant the variance, the variance shall be considered granted.

If the Community Development Director decides to refuse the variance request, the applicant may appeal to the Board of Adjustment as noted in section 6.08. The Community Development Director must notify the applicant of the decision to refuse the variance by mail, on the same day of the decision.

The Community Development Director or Board of Adjustment 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.

Section 6.08-Appeals

The requesting authority, on behalf of a property owner, or the property owner may file an appeal to the Board of Adjustment within thirty (30) days for any failure to respond to an application within three (3) days of the timeframe as specified for review in Section 6.03, or from the date of the decision that was rendered by Community Development and/or Code Enforcement Officer in denying a permit or variance or in alleging a violation of this Ordinance.

If the Board of Adjustment refuses a variance or decision, the applicant may appeal the decision to the City Council. The appeal must be submitted to the Community Development Department no less than thirty (30) working days from the date of the Board of Adjustments decision and must be submitted for City Council agenda consideration no less than eleven (11) days prior to a scheduled City Council meeting. Deadlines can be obtained from the Community Development Director. The Community Development Director or Board of Adjustments or City Council will grant the appeal only when the requirements and timeframes noted above are suitably demonstrated.

Section 6.09-Inventory (Exhibit 2)

All current Off-Premise and On-Premise Billboards are reflected in the Inventory as of February 2020. On-Premise Billboards for new Business on an existing parcel may be granted by the Community Development Director. Modifications of existing Interstate Billboards are subject to these regulations and shall be governed by Non-Conforming restrictions if they deviate in any way from regulations as contained herein.

All current signs with Electronic Message Centers and changeable copy are reflected in the Inventory as of February 2020.

SECTION SEVEN

Repeal, Conflict, Severability, Effective Date, and Definitions

Section 7.01 – Repeal

The Sign Ordinance 46 of 2009, as adopted August 10, 2009, and all Amendments are hereby repealed.

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, 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

These Amended Regulations shall take effect and be in full force on the ___ day of _____, 2020.
Approved by the City Council this ___ day of August, 2020.

Section 7.05- 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 that no longer identifies or advertises a bona fide business, lesser, service, owner, product, or activity and is no longer maintained.

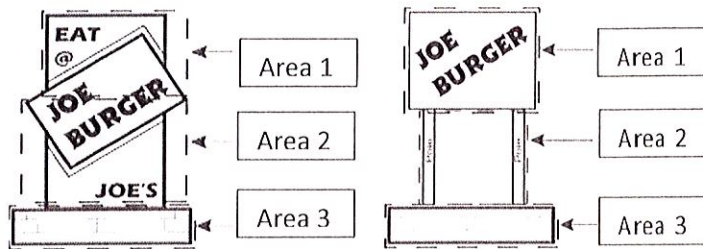
Animated Sign - (see also and note difference from changeable sign) a sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs visible from the street right of way shall be considered a nuisance and are prohibited. 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 (2) 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 including any transition movement between advertisements.

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 that 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 that 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 freestanding 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 place on or adjacent to a public right-of-way.

Billboard- Any sign over 96 square feet in dimensions. Also see "Off-Premise Interstate Sign" and "On-Premise Interstate 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/Electronically Activated/EMD/EDM:** 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,

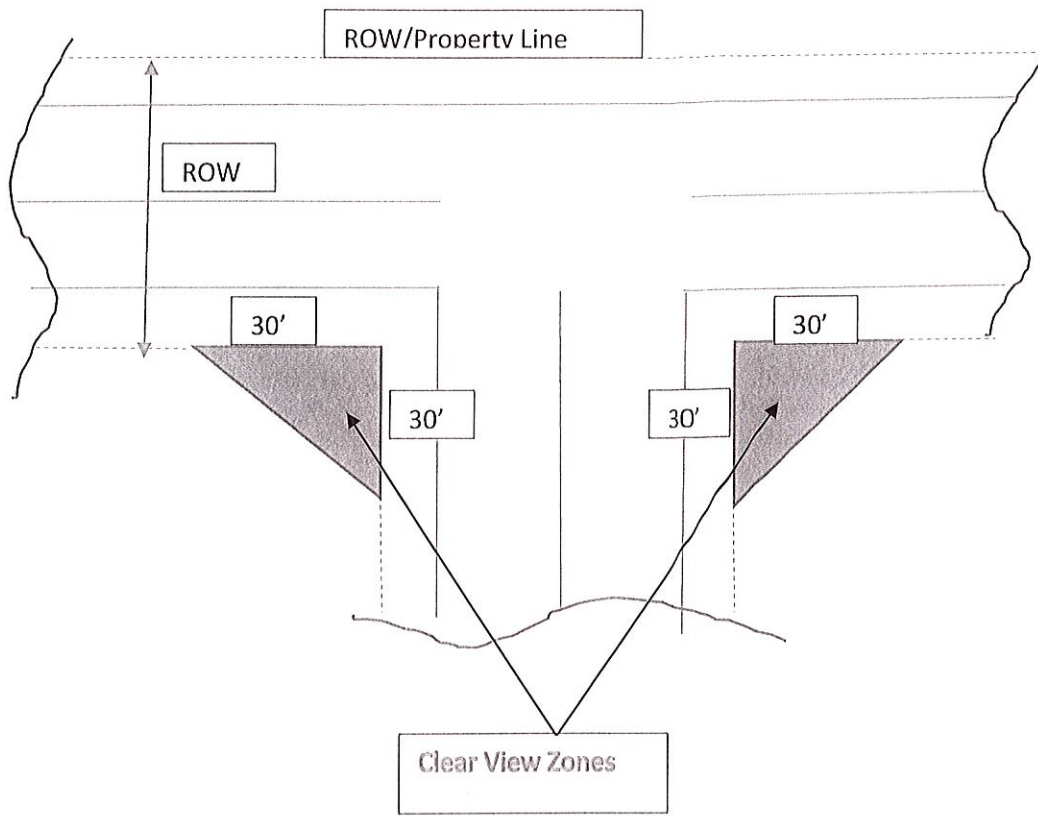
temperature, predictable traffic conditions, or other events subject to prior programming.

- b. **Computer Controlled Variable Message Electronic Signs(EMD/EDM):** Signs whose information content can be changed or altered by means of computer-driven electronic impulses. All advertisements must remain static for a period of 8 seconds and no motion or animation is allowed. Should the department, in its discretion, find the sign, or any display or effect thereon, to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle, the owner of the sign shall, within twenty-four hours after notification by the Department, reduce the intensity of the sign to an acceptable level. Failure to reduce lighting intensity on request may be cause for revocation of the permit. Community Development shall be provided with a phone number and contact person for all EMD/EDM signs.

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

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 that 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. No temporary banners, temporary development/construction signs, temporary road construction signs, fences, vegetation or landscaping may be placed within or extend above two (2) feet above curb grade in this area.



Community Service Sign- A sign which solicits support for or participation in a non-profit, non-political, community, public, social event, or public activity. A community service sign may only be erected by a unit of government, school, chamber of commerce, religious organization, or other non-profit agency.

Construction Sign- A temporary sign giving the name or names of principal contractors, architects and engineers responsible for construction on the site where the sign is placed. This does not include lending institutions or subdivision lot signs.

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

Development Review Committee (DRC) – All Billboards and On or Off Premise signs on any property that are new or replaced are subject to DRC review and approval prior to issuing a permit for installation. The DRC includes technical staff and department heads of the Water, Sanitary Sewer, and Electric departments of Benton Utilities, Benton Street Department, Benton Fire Department and the Community Development 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 or Electronically Activated"

Electronic Message Device (EMD)- means a sign with the capability of displaying words, symbols, figures or images controlled by electronic communications.

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

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. SINGLE 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 Non-conforming 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. Cumulatively, the sum of all incidental signs in use at any time cannot exceed 4 sf, see 3.03.

LED Sign- A sign composed of alphanumeric characters composed of light emitting diodes.

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 façade architecturally comparable to a building wall.

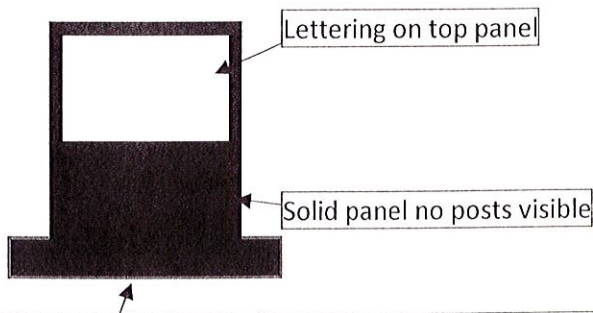
Marquee- A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

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 associated with LED/EMD type signs are restricted.

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.

Typical Monument sign example



Base to be concrete/masonry or can be an enclosure of similar material and color as frame to screen posts that could be used for mounting. Base to extend from panel to existing grade completely on all sides.

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

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 that 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.

Non-Conforming 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 that 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.

Off-Premise Interstate 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." These must have only two sides with both facing Interstate traffic and the sign itself must be located on property immediately adjacent to the Interstate. Limited according to Section 3.04.

On-Premise Interstate Sign also "Billboard" - A sign that pertains to the use of the premises and/or property on which it is located. These must have only two sides with both facing Interstate traffic and the sign itself must be located on property immediately adjacent to the Interstate. Limited according to Section 3.04.

On-Premise Sign- These are located inside or outside the Interstate zone or property adjacent to the Interstate and limited according to Section 3.03 requirements. These are a sign that 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 Community Development, e.g., a sign leased from a sign company.

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

Parapet- the extension of a false front wall above the 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. Single pole signs are only allowed on property immediately adjacent to the interstate, see On and Off Premise Interstate Signs. Outside the Interstate, single pole signs are not allowed. Monument (no poles visible) and two pole signs and/or Pylon signs (having a monument type Base and two poles) are required. See examples. Check ordinance for what type is allowed for each zoning district and areas within districts.

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. If electrical power is required, then all codes must be adhered to at all times.

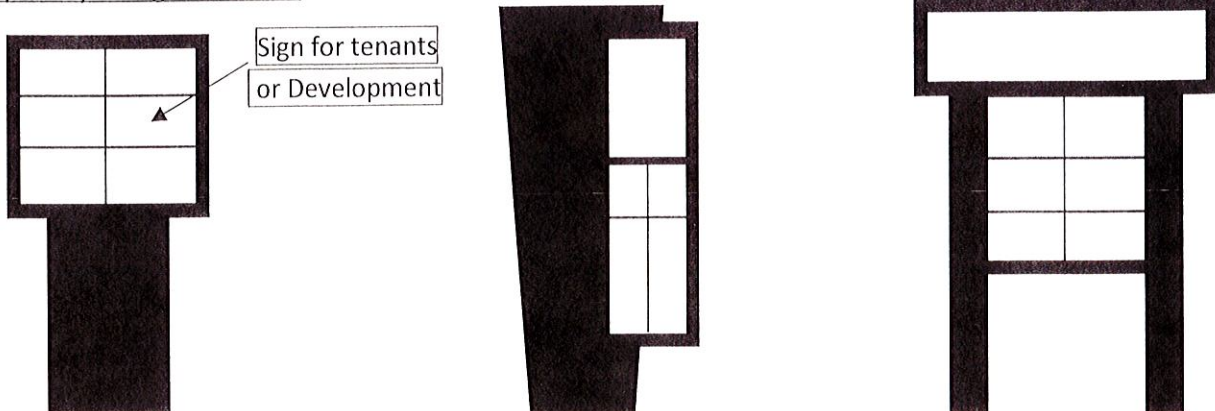
Post and Arm Sign- A sign of two (2) square feet or less in area supported by an upright post with a horizontal arm, from which a sign is suspended. No part of the structural support may be greater than six (6) inches in any dimension. Maximum height of four (4) feet.

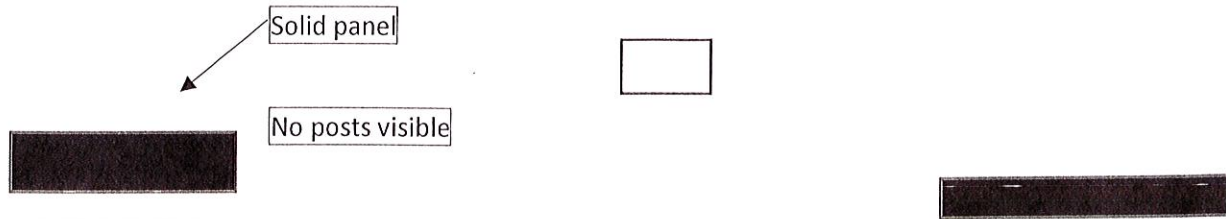
Projecting Sign- A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign. Typically projecting from the facade of a building and perpendicular to the pedestrian or vehicular right of way. Maximum area 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 that, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Pylon Sign- A freestanding sign usually in excess of eight feet in height that is detached from a building and located at road frontage /entry points to a development and is supported by a support structure that is a solid-appearing base constructed of a permanent material such as concrete block or brick (similar to a monument sign) and having one or more structural elements which are architecturally similar to the design of the sign. Fixed multiple advertising panels are approved typically for the development and for individual businesses on each sign. For property adjacent to Interstate, these can be a height equal to On Premise Billboards but at all other roadways the height and dimensions will be sized according to lot size, road frontage, and requirements as noted in the zoning district.

Typical Pylon sign examples:





Base to be concrete/masonry or can be an enclosure of similar material and color as frame to screen posts used for mounting. Base can be same size as middle support section but cannot be a single post and must extend from panel to existing grade completely on all sides.

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 relocation.

Roof Sign- A sign that 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 (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.

Painted or Vinyl on Retaining Wall or Building Wall or Wrap Signs on the same – Such signs, whether covering a portion of a retaining wall or building wall or the total wall must conform in total square feet of allowable advertisement size per zoning district(s) and must seek special approval from the Planning Commission. Variances in size and in exceeding allowable square feet in advertisement must be identified in the variance request and first must be approved to be allowed by the Planning Commission before the variance can be submitted to the Board of Adjustment.

Window sign- A sign applied directly onto a window or internal to the window within twelve inches of the window and visible from the public right-of-way. Window signs include without limitation the application of words and logos onto window glass, the use of hanging signs and paper signs that are static. 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 and cannot exceed 25% of the total area of a window.**

Window Wrap signs are allowed but the advertisement portion of the window wrap containing any portion of the business or advertisement of a business nature shall be subject to the overall restrictions of a wall sign. The part of the wrap on windows not containing such advertisement is not included in the total sign area for a wall section.

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.