

ZONING

Chapter 18.76

SIGNS

Sections:

- 18.76.010 Definitions.
- 18.76.020 General Provisions.
- 18.76.030 Conformance Requirements.
- 18.76.040 Zoning Requirements.
- 18.76.050 Enforcement and Penalties.
- 18.76.060 Non-Conformance.
- 18.76.070 Permits and Procedures.
- 18.76.080 Enforcement and Penalties.

18.76.010 Definitions

ABANDONED SIGN: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity.

ADVERTISING DEVICE: Any device, fixture, structure, or placard using graphics, symbols, and/or written copy designated for the purpose of advertising or identifying any establishment, goods, products, or service to be affixed, constructed, erected, or maintained within the City limits.

ANIMATED SIGN: Any sign which uses movement or change of light to depict action or to create a special effect or scene.

AWNING: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

BANNER: A sign made of lightweight fabric or any non-rigid similar material(s) that is attached to business at two (2) or more edges; designed and designated for such purposes of advertising a business, product, service, etc.

BILLBOARD: An on or off premise sign of large dimensions [no more than One Thousand square feet (1000 SF)] commonly placed and utilized adjacent to commercial highway(s) for purposes of advertisement.

CHANAGEBLE COPY SIGN: A sign upon which the copy changes manually or automatically, through manual, electronic or mechanical means.

CITY: The City of Jacksonville, Arkansas.

CLEARANCE (OF A SIGN): The smallest vertical distance between the grade of the adjacent street or curb and the lowest point of any sign, including framework and embellishments, which extends over that grade.

CONSTRUCTION SIGN: A temporary sign placed upon a building/construction site, which identifies an architect, contractor, financial institution, and/or materials supplier.

ZONING**SIGNS**

DIRECTIONAL SIGN: An on or off premise sign providing directional instructions or information for a business, facility, location, monument, or other designation. Said sign(s) shall be no larger than Six (6) square feet.

ELECTRONIC MESSAGE BOARD: A LED changeable message device/board utilized to advertise, inform, or notify the patrons, public, or others of various events, information, products, or sales available on or off the premises.

FAÇADE: The entire building front of a business, building, or other structure, including the parapet.

FLAGS: A cloth, plastic, or other non-rigid material of local state, or federal government's official patriotic symbol(s) commonly displaced on poles.

FLASHING SIGN: A sign which contains an intermittent or sequential flashing light source, used primarily as attention-seeking device.

FREESTANDING SIGN: A sign constructed, erected, and supported solely upon its own pole, stand, or support structure which is not attached to a building.

GARAGE SALE SIGN: A sign advertising the sale of used goods and personal property at a private residence.

GOVERNMENT SIGN: Any temporary or permanent sign erected and maintained for public purposes by the city, county, state, or Federal government.

HEIGHT (OF A SIGN): The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of adjacent street or the surface grade beneath the sign, whichever is less.

ILLUMINATED SIGN: A sign with an artificial light source incorporated internally or externally.

INCIDENTAL SIGN: A sign, emblem, decal, or other device informing the public of goods, facilities, or services available on the premises. Examples include a sign indicating hours of operation, open/close, and/or credit cards accepted by the business.

INFORMATIONAL SIGN: An on or off premises sign which provides facility information no larger than Six square feet (6 SF). These signs are commonly used to display the name of the establishment or incidental information needed regarding that establishment, such as entrance, location, parking, or other such information needed of patrons, members of the public, and/or visitors.

ZONING**SIGNS**

MARQUEE: A permanent roof-like canopy of rigid materials supported by and extending from the facade of a building or structure used for advertising purposes.

NONCONFORMING SIGN: A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. May also include a sign which does not conform to the terms and conditions set forth by the Sign Code but for which the owner has obtained a waiver/variance for such from the Board of Adjustment.

OFF-PREMISE SIGN: A sign structure advertising an establishment, merchandise, service, or entertainment, not furnished, manufactured, sold, or available on the premise upon which the sign is located.

POLITICAL SIGN: A temporary sign used in connection with a local, state, or national election or referendum.

PORTABLE SIGN: Any sign or device designed for advertisement purposes moved easily from one location to another and which is not permanently affixed to a building, enclosure, or a structure.

REAL ESTATE SIGN: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RELIGIOUS SIGN: A sign sanctioned and utilized by a local religious entity/organization sponsoring a special event or program in need of advertisement.

RESPONSIBLE PARTY(IES): The person(s) designated as the owner, tenant, and/or entity legally responsible for the property upon which a sign is erected, located or maintained.

SIGN: Any device, fixture, placard, using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any business, establishment, goods, product, or services.

SUBDIVISION SIGN: A freestanding or wall sign identifying a recognized residential, commercial, or manufacturing complex, development, or subdivision.

WINDOW SIGN: A sign installed inside a window and intended for viewing outside the building or structure.

YARD SIGN: A sign commonly displayed on a temporary basis in a residential or commercial zone. These signs shall not exceed Twenty-four inches by Twenty-four inches (24" by 24") in size.

18.76.020 General Provisions**A. Scope and Prohibition**

It shall be unlawful for any advertising device/sign to be affixed, constructed, erected, and/or maintained unless done so in compliance with all provisions, requirements, and terms of this Code.

B. Nuisance

No advertising device/sign shall constitute a hazard, nuisance, or obstruction because of animation, content, flashing, focus, glare, light, noise, placement, and/or unduly disturb the public and/or use of any adjoining property.

C. Obstruction

No advertising device/sign shall be affixed, constructed, erected, and/or maintained so as to be an obstruction of vision near any driveway, parking lot, and/or public roadway. There must be a clear line of vision between three feet (3') and eight feet (8') above the existing grade.

D. Construction

No advertising device/sign shall be constructed, erected, or installed without the prior approval of the City Engineer/Code Enforcement Office. Plans of construction and/or erection are to include, but not be limited to, the following information: dimensions and specification of the device/sign and surrounding structure, poles, and/or supporting device(s); location of the device/sign upon the property; and, a list of all materials and appropriate specifications to be utilized in the construction or erection of the device/sign.

E. Maintenance

All advertising devices(s)/sign(s) shall be maintained by the owner, lessee, or responsible party(ies) in a clean, sanitary, and proper state of repair and condition. The advertising device/sign and any supporting equipment (i.e., poles, facings, landscape beds, etc.) shall be maintained in such a manner as to be clean, sanitary, inoffensive to the public, free of any obnoxious substances, rubbish, grasses, weeds, etc., and maintained so as to prevent decay oxidation, corrosion, and/or deterioration into an improper state of repair.

F. Public Areas

No advertising device/sign will be affixed, constructed, erected, and/or maintained to any other free standing structure in the public right-of-way to a government sign, upon a public bench, building, or other structure, to public utility poles, or to trees. Government signs will be the only devices/signs allowed on or about public property.

ZONING

SIGNS

G. Permits

No advertising device/sign shall be affixed, constructed, erected, installed, or maintained until a permit to do so has been obtained from the City Engineer/Code Enforcement Office of the City. For special events(s) permits, no more than one (1) organization shall be issued a permit at or for the same period of time.

H. Areas of Signs

The area of an advertising device/sign shall have only one (1) face of any double or multi-faced sign counted in calculating its area. The area of the device/sign shall be measured as follows if the device/sign is composed of one (1) or two (2) individual cabinets:

- (1) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy upon such embellishments.
- (2) If the device/sign is composed of more than two (2) sign cabinets or modules, area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the device/sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

18.76.030 Conformance Requirements

A. Abandoned Signs

It shall be the responsibility of any owner, lessee, and/or tenant to disassemble and remove any advertising device/sign upon the termination of the activity, business, event, issue, product, or sale being promoted by said device. In the event the permittee/responsible party does not remove the device/sign in a timely manner, the City Engineer/Code Enforcement Officer shall notify in writing the permittee of the device/sign of a thirty (30) day time frame in which to disassemble and remove said advertising device. In the event the responsible party fails to do so, the City Engineer/Code Enforcement Office shall issue a second written notice to the permittee granting an additional thirty (30) days in which to disassemble and/or remove the abandoned device/sign. In the event the permittee fails to remove said sign within the additional time frame, the City Engineer/Code Enforcement Officer shall cite said party for violation of this Code and/or remove the non-compliant device/sign. If such occurs, the City shall assess costs and fees for doing so against the responsible party(ies) to be enforced through issuance of a tax lien(s) against any real property said permittee may own within Pulaski County. (Ord. 1220 Sec. 4, 2004)

ZONING**SIGNS****B. Animated Signs**

No animated advertising device/sign shall be constructed, installed, operated, or maintained so as to constitute a public nuisance and/or safety hazard. Lighting sources and materials utilized shall be of such a nature to prevent glare into or upon traffic areas, shall be maintained so as to not unduly disturb the use of any adjoining property(ies), and shall not cause an obstruction of vision in any manner.

C. Banners

Only two (2) banners shall be allowed per business/entity commercial location. Banners utilized by educational, non-profit, and/or religious organizations within the scope of the terms of this Ordinance may be attached to two (2) or more poles if placed away from the building.

D. Changeable Copy Signs

All changeable copy signs, whether automatic, manual, or electronic, shall be maintained so as not to constitute a public nuisance and/or safety hazard. They shall be constructed and installed so as to provide a pole mounting, anchoring, and/or framed construction providing a full surround of the face(s) of the advertising device/sign constructed in materials such as brick, concrete, stone, wood, or other acceptable products utilized in the construction of outdoor structures.

E. Construction Signs

Installation of construction signs shall comply with all code provisions, including setbacks and appropriate zoning limitations. These signs may not exceed Thirty-two square feet (32 SF), and a site shall be provided for posting of all appropriate notices and permits. All such boards, signs, and postings shall be removed from the property within five (5) days of the completion of the construction project.

F. Directional Signs

There shall be a maximum of two (2) off-site directional signs granted per business, and businesses located in a common shopping center/property will be required to combine said signs when at all possible. Directional signs shall only be allowed for businesses located upon local streets (defined as such under the City's Master Street Plan) or along one-way streets within the City. Any placement of off-site directional signs on property not owned by the permittee will require written proof of authority/permission of said real property owner upon which the directional sign is to be placed.

G. Electronic Message Boards

Electronic message boards or centers shall be allowed in all zones except residential. These boards shall be maintained and operated in such a manner so as not to constitute a nuisance and/or safety hazard, and the City Engineer/Code Enforcement Office shall take such factors as

ZONING**SIGNS**

location, proximity to the residences and other businesses, wattage used in said device, and traffic safety issues into consideration upon issuance of a permit for an electronic message board.

H. Flashing Sign

Flashing devices/signs shall be allowed in all zones except residential. These devices/signs shall be maintained and operated in such a manner so as not to constitute a nuisance and/or safety hazard, and the City Engineer/Code Enforcement Office shall take such factors as location, proximity to residences and other businesses, wattage used in said device, and traffic safety issues into consideration upon issuance of a permit for a flashing device/sign.

I. Freestanding Sign

All freestanding devices/signs shall be constructed and maintained so as not to constitute a public nuisance and/or safety hazard. They shall be constructed and installed so as to provide a pole mounting, anchoring, and/or framed construction which provides a full surround of the face(s) of the advertising device/sign constructed in materials such as brick, concrete, stone, wood, or other acceptable products utilized in the construction of outdoor structures.

J. Garage Sale/Carport Sale/Yard Sale Signs

Such signs shall not be required to obtain a permit from the City Engineer/Code Enforcement Office. Parties are limited to the placement of such signs no more than three (3) days prior to a sale, and no more than one (1) sign per intersection. All devices/signs will be removed by the responsible party(ies) no later than one (1) day after the sale.

Placement of these signs shall not be within the public rights-of-way, upon public signs, upon trees or public utility poles, and/or erected more than once per calendar quarter. All such signs shall be no larger than nine square feet (9 SF), and must be placed in one (1) or two (2) stakes in a freestanding manner so as not to constitute a public nuisance.

K. Informational Sign

Any device/sign utilized for informational purposes shall be limited to Six square feet (6 SF) in size, securely attached, constructed, and/or maintained so as not to constitute a public nuisance or public safety hazard, and shall be incidental to the primary device/sign upon the premises. Placement of these signs will not be allowed in public easement or public property areas unless they are governmental devices/signs.

L. Pennants, Balloons, and Festoons

Any business, entity, or individual utilizing pennants, balloons, and/or festoons placed about or upon their building or property within the City shall maintain said pennants, balloons and festoons in good repair. If the pennants, balloons, and/or festoons fall into disrepair

(torn, ripped, damaged, etc.), they must be removed from the property and/or replaced.

310-5

ZONING

SIGNS

M. Political Sign

All political signs placed in residential zones will be no larger than Twenty-five by Twenty-five inches (25" X 25"). Political signs placed in commercial and/or manufacturing zones will be no larger than Four by Four feet (4' X 4") to a maximum of Sixteen square feet (16 SF). No political sign of any size may be placed in public view more than sixty (60) days prior to the date of the election and/or referendum issue at hand. All political signs are to be removed from public view no later than seven (7) days after the date of the election and/or referendum issue at hand, and there shall be no requirement for the City to issue permits for political signs.

N. Portable sign

No portable signs will be allowed within the City of Jacksonville. Any such sign must be fully enclosed, encased, or a frame constructed in such a manner acceptable to the City Engineer/Code Enforcement Office so as to make these signs no longer portable and/or temporary.

O. Real Estate Sign

All signs advertising the availability of particular residential property for sale or rent shall not exceed Twenty-five inches by Twenty-five inches (25" X 25"). All signs advertising the availability of particular commercial and/or manufacturing property for sale or rent shall not exceed Four feet by Eight feet (4' X 8'). Placement of additional directional or informational signs may be allowed at strategic points to assist the general public in locating the specific property in question. However, no such directional/informational/real estate signs shall be permanent in nature and/or be allowed within public easements and/or rights-of-way. Further, there is no requirement for the City to issue permits for real estate signs of this nature.

P. Religious/Charitable/Educational Signs

Any device or sign promoting any religious, charitable, and/or educational institution or program shall not exceed Six square feet (6 SF) in size for residential properties and Thirty-two square feet (32 SF) in size for commercial and industrial properties.

Q. Religious/Charitable/Educational Special Events

Permits may be obtained by local religious/charitable/educational institutions, organizations, or programs sponsoring a special event to place yard signs in residential, commercial, and manufacturing zones under the following conditions:

- 1) A church, institution, and/or group advertises no more than two special events per calendar year;
- 2) Only one (1) sign is placed per lot;
- 3) Display of signs occurs no earlier than three (3) weeks prior to the event/program and are removed from public view no

later than one (1) week after the event/program;

310-6

ZONING

SIGNS

- 4) Display of said devices and signs shall be in compliance with all other applicable provision of this Code; and,
- 5) No such signs shall be placed within public easements, upon rights-of-way, or affixed to any public utility poles or public signs.

R. Shopping Center

A structure or facility housing Three (3) or more businesses utilizing One (1) or more parcels of adjacent real property that share common amenities (parking, driveways, easements, etc.). Excluded from that determination will be any business entity(ies) housed in an out-parcel building upon the shopping center grounds.

18.76.040 Zoning Requirements

Residential Zones R-0, R-1, R-2, R-3, R-4, R-5, R-6, & R-7

- 1) No commercial or manufacturing business, product, or entity shall place or allow to be placed devices/signs of its business, product, or entity within a residential zone. Placement of real estate signs, as defined in this Code, is exempted from this prohibition.
- 2) Subdivision signs and Apartment Complex Development signs are allowed within the appropriate zones as long as the City Engineer or Code Enforcement Office has approved plans submitted for the construction, design, and placement of said sign. These signs shall not exceed the maximum size of Thirty-two square feet (32 SF).

Commercial Zone C-1 (Quiet Business)

- 1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed Sixteen square feet (16 SF), the height of the sign shall not exceed the height of the structure of Twenty feet (20'), whichever is lower, and the front edge of the sign shall not exceed beyond the applicable setback requirements.
- 2) An additional on-site freestanding sign of equal size will be allowed provided it has either: a minimum clearance of Five feet (5') from a point Three feet (3') above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, a minimum setback of Ten feet (10') from the front property line to the leading edge of the sign. In any circumstance, height of the sign may not exceed the height of the structure or Twenty feet (20'), whichever is lower.

- 3) Any corner lot in this zone classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

310-7

ZONING

SIGNS

Commercial Zone C-2 (Shopping Center District)

- 1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed Two Hundred square feet (200 SF), the height of the sign may not exceed Ten feet (10') above the height of the structure or Forty-five feet (45'), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.
- 2) An additional on-site freestanding sign not to exceed one hundred square feet (100 SF) in size will be allowed provided the sign:
 - a) is attached to a Shopping Center sign, which advertises the businesses located within or upon the Shopping Center property;
 - b) has a minimum clearance of five feet (5') from a point three feet (3') above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line or has a minimum setback of ten feet (10') from the front property line to the leading edge of the sign; and,
 - c) the height of the sign shall exceed ten feet (10') above the height of the structure or forty-five feet (45'), whichever is lower.
- 3) Any corner lot in this zone classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-3 (Commercial District)

- 1) Each business located within this zone shall be allowed one (1) attached on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed two hundred square feet (200 SF), the height of the sign shall not exceed ten feet (10') above the height of the structure or forty-five feet (45'), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.
- 2) An additional on-site freestanding sign of equal size will be allowed provided it either: Has a minimum clearance of five feet (5') from a point three feet (3') above the ground to the bottom of the sign at the leading edge of the

sign located adjacent to the front property line; or, has a minimum setback of ten feet (10') from the front property line to the leading edge of the sign. However, if the business in question is located within the Shopping

310-8

ZONING

SIGNS

Center, any sign must be attached to a Shopping Center sign advertising the business located within or upon the Shopping Center property. In any circumstance, the height of the sign shall not exceed ten feet (10') above the height of the structure or forty-five feet (45'), whichever is lower.

- 3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Commercial Zone C-4 (Highway Commercial District)

- 1) Each business located within this zone shall be allowed one (1) on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed two hundred square feet (200 SF), the height of the sign shall not exceed ten feet (10') above the height of the structure or forty-five feet (45'), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.
- 2) An additional on-site freestanding sign of equal size will be allowed provided it either: has a minimum clearance of five feet (5') from a point three feet (3') above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front property line; or, has a minimum setback of ten feet (10') from the front property line to the leading edge of the sign. However, if the business in question is located within a Shopping Center, any sign must be attached to a Shopping Center sign advertising the business located within or upon the Shopping Center property. In any circumstance, the height of the sign shall not exceed ten feet (10') above the height of the structure or forty-five feet (45'); whichever is lower.
- 3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

Manufacturing Zones M-1 and M-2 (Industrial District)

- 1) Each business located within this zone shall be allowed one (1) on-site sign designating the business name, products sold, or services rendered at the location. The area of the attached on-site sign shall not exceed three hundred square feet (300 SF),

the height of the sign shall not exceed ten feet (10') above the height of the structure or forty-five feet (45'), whichever is lower, and the front edge of the sign shall not extend beyond the applicable setback requirements.

ZONING

SIGNS

- 2) An additional on-site freestanding sign of equal size will be allowed provided it either: has a minimum clearance of five feet (5') from a point three feet (3') above the ground to the bottom of the sign at the leading edge of the sign located adjacent to the front of the property line; or, has a minimum setback of ten feet (10') from the front property line to the leading edge of the sign. In any circumstance, the height of the sign shall not exceed ten feet (10') above the height of the structure or forty-five feet (45'); whichever is lower.
- 3) Any corner lot in this zoning classification will be allowed one (1) conforming freestanding sign for each road frontage area of the property.

18.76.050 Billboards

A) No billboard will be constructed, erected, and/or maintained within the City unless: Payment of one hundred dollars (\$100.00) is received together with a fully completed permit request; and, approval is obtained from a majority of the City's Board of Adjustment after a duly held meeting addressing the permit request.

B) Any billboard constructed, erected, and/or maintained must comply with the following provisions.

1) Zoning Requirements - Billboards are allowed only in and upon property currently zoned A-1, C-2, C-3, C-4, M-1, and M-2, provided the sign structure is located greater than three hundred feet (300') from property in any of the following zones: R-0, R-1, R-2, R-3, R-4, R-5, R-6, or R-7.

2) Construction Specifications

- a) A sign face of one hundred square feet (100 SF) or more will be supported by a maximum of two (2) structural steel or other durable metal columns/supports.
- b) The face, columns, support, and foundation of the billboard will be signed to withstand up to a seventy miles per hour (70mph) wind acting against the full face of the sign.
- c) The front edge of a billboard will not be any closer to the front property line than the appropriate setback requirements for the zone in which a billboard is located. The side of the sign will not be any closer than five feet (5') from the side lot line.
- d) The structural integrity of the proposed billboard and supporting structure will be designed and certified by a professional engineer registered in the State of Arkansas.

ZONING**SIGNS**

3) Dimensions - The area of a billboard will not exceed a maximum of eighteen feet (18') vertically and fifty-five feet (55') horizontally. No billboard shall exceed forty-five feet (45') in height. Height measurements will be made from ground level at the base of the sign support nearest the roadway to the top of the supporting structure of the sign face or the top of the column, whichever is higher.

4) Placement - No billboard will be placed within one thousand feet (1,000') of another billboard, and there will be no more than four (4) billboards per mile on the same side of the roadway. Further, no billboard will be located closer than two hundred fifty feet (250') of a perpendicular line to the right-of-way of another billboard on the opposite side of the roadway.

5) Limitations - No billboard shall display more than two (2) advertisements per face. Each billboard constructed may have up to two (2) faces.

Please see the Sign Ordinance Specification Chart for further information

18.76.060 Non-Conformance

Any advertising device/sign in existence or under construction at the time of passage of this Ordinance which does not meet the provisions contained herein will be removed and/or repaired within one hundred eighty (180) days of written notification providing the specific deficiencies from the City Engineer/Code Enforcement Office.

However, the following provision do apply:

A) Any non-conforming device/sign previously approved the Board of Adjustment or Planning Commission shall continue to remain in existence for as long as the device/sign is maintained in a suitable and proper condition;

B) Any responsible party maintaining, possessing, and/or utilizing a non-conforming device/sign may file a written request for a variance or waiver with the Board of Adjustment for a determination upon the request. All applicable fees and costs will apply, and no enforcement action will be taken until such time as the Board of Adjustment has rendered a decision on the request; or,

C) When any device/sign falls into a state of disrepair or is deemed structurally unsound/unsafe by the City Engineer, the responsible party must repair and/or remove the device/sign within seven (7) days from the written notice of the City Engineer.

311-2

ZONING

SIGNS

18.76.070 Permits AND Procedures

A) **SUBMISSION** - Any responsible party requesting a permit for a device/sign shall submit a set of plans and specification, together with a fee of thirty-five dollars (\$35.00) per sign to the City Engineer/Code Enforcement Office. The plans and specifications shall detail the device, its location, dimensions, materials, specifications, and other pertinent information.

Upon review, the City Engineer/Code Enforcement Office shall approve or disapprove the plans in writing within ten (10) business days of the submission. If disapproved, stated reasons shall be provided as to the nature of the deficiencies, and the responsible party may re-submit a modified set of plans and specifications. If disapproved, the responsible party may submit a request to the Board of Adjustment for a waiver/variance if desired.

Once approved, a permit shall be issued for the device/sign and an inspection scheduled set for the construction/installation period. A record of such shall be provided to the responsible party and maintained by the City.

B) **BOARD OF ADJUSTMENT** - Should a variance/waiver be required before a permit can be issued, the responsible party must submit a written request, together with the appropriate fees and costs, to the Board of Adjustment through the City Clerk's Office. The matter shall then be placed on the next regularly scheduled Board of Adjustment meeting. Upon duly published notice and posting of the property in accordance with State law, the request for variance/waiver shall be heard and addressed by the Board of Adjustment at the scheduled time and date. At the meeting, the responsible party and/or a designated representative shall be present to present any information or data in support of his/her/their request.

Further, the Board of Adjustment shall hear from the City Engineer/Code Enforcement Office as the reasons for disapproval of the permit by his/her/their office. Upon obtaining all relevant information, the Board of Adjustment shall approve or disapprove the variance/waiver request.

C) **CONDITIONS OF VARIANCE/WAIVERS** - While the Board of Adjustment reviews and makes a determination upon a request for variance/waiver, Board members shall take into consideration all relevant factors affecting the decision. These considerations should include, but are not limited to, the proposed location and

its proximity to adjoining property, dimensions and specifications of the sign and structural support equipment, lighting factors, proximity to residential property, public nuisance value, pedestrian and traffic safety issues, and, finally, aesthetics.

311-3

ZONING

SIGNS

18.76.080 Enforcement and Penalties

A) ENFORCEMENT - The City Engineer/Code Enforcement Office shall be responsible for the enforcement of the terms and conditions as outlined herein. It is the desire of the City that a progressive form of discipline be used with non-compliant responsible parties, providing them with verbal warnings of non-compliant issues prior to written notice of the non-compliant matters. When either notification is provided, the City shall set a definitive and reasonable time period in which the responsible party should have the non-compliant condition eliminated. Non-compliant matters of public safety will obviously require a quicker response time than those of other non-compliant conditions.

Should the responsible party not eliminate the non-compliant condition after receipt of said verbal and written notice. It is the duty of the City Engineer/Code Enforcement Office to issue a citation to the responsible party and present the matter for adjudication of a violation of this Code by the Jacksonville District Court.

In the event that the City expends public monies to eliminate a non-compliant condition upon private property, it is the responsibility of the City Engineer/Code Enforcement Office to submit an itemized statement for reimbursement of the costs to do so to the responsible party. If the amount is not paid within sixty (60) days from the date of the first such statement, the City Engineer/Code Enforcement Office shall cause to be filed a tax lien against the real property owned by the responsible party within Pulaski County, Arkansas, for collection of said amounts with the party's taxes each year.

B) Penalties

Should any individual, business, entity, or other such designated responsible party be found by the Jacksonville District Court to be in violation of the terms and conditions as outlined by this Code, the Court shall assess a fine of no more than one hundred dollars (\$100.00) per violation per day, together with appropriate court costs. Each day a condition of non-compliance exists constitutes a separate violation and is subject to prosecution.

For second or subsequent violations within the same calendar year, the Court shall assess a fine of no more than five hundred dollars (\$500.00) per violation per day, together with appropriate court costs. Again, each day a condition of non-compliance exists constitutes a separate violation subject to prosecution.

(Ord. 838, 1987; Ord.887, 1988; Ord. 1120, 2004; Ord. 1125, 1999; Ord. 1141, 2000; all previous ordinances amended by Ord. 1220, 2004)

311-4

ZONING

SIGNS

ZONING CLASSIFICATION

	A-1	R-0 R-1 R-1A	R-2	R-3	R-4	R-5 R-6 R-7	C-1	C-2	C-3	C-4	M-1	M-2
Max. Size Sq.Ft	32	32	32	32	32	32	16	100	200	200	300	300
Max. Height	30	3	3	3	3	3	20	45	45	45	45	45
Illuminated	X	0	0	0	0	0	X	X	X	X	X	X
Non-illuminated	X	X	X	X	X	X	X	X	X	X	X	X
Flashing	X	0	0	0	0	0	X	X	X	X	X	X
Engineer Approval Required	X	X	X	X	X	X	X	X	X	X	X	X
Off Site		0	0	0	0	0						
On Site	X	X	X	X	X	X	X	X	X	X	X	X
Permit Fee	R	N	N	N	N	N	R	R	R	R	R	R
Fee Cost	\$35	N	N	N	N	N	\$35	\$35	\$35	\$35	\$35	\$35
Billbd. fee	\$100	0	0	0	0	0	\$100	\$100	\$100	\$100	\$100	\$100
Min. Spacing Lot	500 Lot	1 Per Lot	1 Per Lot	1 Per Lot	1 Per Lot	1 Per Lot	2 Per Lot	2 Per Lot	2 Per Lot	2 Per Lot	500	500

NOTE: 0 = Not Allowed, X = Allowed, N = Not Required, R =Required