

ORDINANCE NO. 2018-05-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY SECTION 153.180-153.189: SIGNS OF THE TONTITOWN MUNICIPAL CODE IN ORDER TO CLARIFY THE SIGN REGULATIONS FOR THE CITY OF TONTITOWN, AND DECLARING AN EMERGENCY

WHEREAS, on or about May 2, 2017, the City Council of Tontitown adopted Ordinance No. 2017-05-635 to provide development and subdivision regulations within the city and said Ordinance No. 2017-05-635, as it has been amended from time to time, was thereafter codified as Chapter 153: ZONING REGULATIONS in the Tontitown Municipal Code; and

WHEREAS, Chapter 153: Zoning Regulations of the Tontitown Municipal Code contains Sec. 153.089: SIGN REGULATIONS which regulates the placement and use of signs within the City of Tontitown; and

WHEREAS, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Ordinance No. 2017-05-635 and to amend in its entirety the Tontitown Municipal Code Section 153.189: SIGN REGULATIONS in order to comply with United States Supreme Court precedent and to better provide for the clarification of terms and uses for installation and use of signs within the City of Tontitown; and

WHEREAS, the Tontitown Planning Commission has reviewed the revisions of Chapter 153.180-153.189: SIGNS and, after a public hearing and extensive work sessions which were open to the public, recommends to the City Council that this ordinance be approved; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Chapter 153.189: SIGN REGULATIONS of the Tontitown Municipal Code should be repealed and replaced in its entirety as incorporated herein below.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. Chapter 153.189: SIGN REGULATIONS of the Tontitown Municipal Code is hereby repealed, in its entirety, and as attached hereto as Exhibit "A".

Section 2. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 3. Declaration of Emergency. It is hereby found and determined that Chapter 153.180-153.189: Signs, of the Tontitown Municipal Code should be immediately repealed and replaced in order to provide for the proper regulation of signs within the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this _____ day of _____, 2018.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Recorder-Treasurer

CITY OF TONTITOWN SIGN REGULATIONS

Section 1 - Definitions

This Sign Code shall refer to definitions set forth in the Tontitown Code of Ordinances except as modified below:

Awning Sign. A Sign where graphics or symbols are painted, sewn or otherwise adhered to the awning material as an integrated part of the awning itself.

Banner Sign. Any sign made of fabric, vinyl or any similar non-rigid material with no enclosing framework.

Billboard. Any off-site structure or portion thereto upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to display Government Signs.

Canopy Sign. Any Sign that is mounted, painted, or otherwise applied on or attached to a canopy or structural protective cover over an outdoor area.

Code Official. An employee of the City designated by the Mayor to administer and enforce this Code.

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

Crown Sign. A Wall Sign extending not more than three (3) feet from the building façade located on the upper horizontal band of a building at least two (2) stories in height.

Digital Billboard. An electronically displayed Billboard that is static or changes messages by any electronic process or remote control.

Digital Sign. An electronically displayed Sign that is static or changes messages by any electronic process or remote control.

Double Post Sign. A permanently affixed Sign which is wholly independent of a building for support where the primary support is supplied by two posts.

Electric Sign. Any Sign containing electrical wiring. This does not include Signs illuminated by an exterior floodlight source.

Flashing Sign. Any illuminated Sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such Sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, must be considered a flashing Sign.

Government Sign. A government Sign is a Sign that is constructed, placed or maintained by the federal, state or local government or a Sign that is required to be constructed, maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Highway Sign. A Freestanding Sign, Integral Sign or Flat Mounted Sign that is erected and maintained within the view of motorists who are driving on a highway.

Illuminated Sign. A Sign that is directly lighted by any electrical light source, internal or external. This definition does not include Signs that are illuminated by streetlights or other light sources owned by any public agency or light sources that are specifically operated for the purpose of lighting the area in which the Sign is located rather than the sign itself.

Integral Sign. A Sign that is embedded into the material of a building.

Monument Sign. A free-standing and permanently affixed Sign that is supported by a solid base (other than poles) and such that no air space is visible within or between any portion of the sign display area and sign structure. A Monument Sign may identify a project or district, or marking an entrance, which can incorporate a single or multiple licensed business listing.

Off-Premises. A sign that directs attention to a business, profession, event, entertainment, product or service that is located, offered or sold somewhere other than on the certain premises where the sign is erected.

Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An Original Art Display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

Outdoor Advertising Sign. A Sign that advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

Projecting Sign. A Sign, other than a wall sign, that is mounted to the wall or surface of a building or structure and which is supported by a wall of a building or structure and projects from the building by twelve (12) inches or more.

Real Estate Sign. A free-standing Sign advertising the premises for sale, rent or lease.

Roof Sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

Sandwich Board Sign. A moveable Sign not secured or attached to the ground or surface upon which it is located.

Sign. A name, identification, description, display or illustration, other than an Original Art Display, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the Sign Face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a Sign or Sign face must be considered to be a sign.

Sign Area: The space enclosed within the extreme edges of the Sign on each Sign Face, not including the supporting structure or where attached directly to a building wall or surface; the space within the outline enclosing all the characters of the words, numbers or design.

If the sign lettering and/or logo is not enclosed or framed in any way, then the area of the letters and/or logo themselves may be considered the sign area.

Sign Face: The entire display surface area of a Sign upon, against or through which copy is placed or reflected.

Shingle Sign. A small Projecting Sign that hangs from a bracket or support and is located over or near a building entrance.

Subdivision Sign. A permanently affixed Sign which is wholly independent of a building for support attached along its entire width to a continuous pedestal or wall that is used to identify the entry to or name of an entire development.

Temporary Sign. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the Code Official to be displayed for a limited period of time.

Vehicle Sign. Means any Sign attached to or displayed on a vehicle.

Wall Sign. Means any attached Sign other than a Projecting Sign or a Banner Sign, which is permanently attached to or painted on any wall of any building and projects from the plane of the wall less than twelve (12) inches. An Integral Sign shall be considered a Wall Sign.

Window Sign. An attached Sign which is not a Temporary Sign and which is attached to, painted on, etched or otherwise adhered to a window or which is displayed within twelve (12) inches of the window and is legible from outside the window.

Windblown Signs. A fluttering, spinning, windblown or inflatable device, including pennants, streamers and propeller discs.

Section 2 - Prohibited Signs

- A. Signs are prohibited in all Zoning Districts unless:
 - i. constructed pursuant to a valid building permit when required by this Code; and
 - ii. authorized under this Code.
- B. Prohibition of Fees. A property owner may not accept a fee for posting or maintaining a Sign allowed under Section 1.C.ii and any sign that is posted or maintained in violation of this provision is prohibited.
- C. Commercial Signs in Residential Zones. Commercial Signs are prohibited in exclusively single family residential zones or on property used for non-transient residential uses, except for those properties on which a home occupation or a transient residential use has been approved by the City of Tontitown.
- D. Prohibited Signs. The following Signs shall be prohibited in the City of Tontitown:
 - i. Billboards and Digital Billboards;
 - ii. Highway Signs;
 - iii. Signs with fluctuating illumination, including any Sign that flashes, blinks, fluctuate in light intensity or is animated;
 - iv. Signs which revolve, rotate or moving in whole or in part;
 - v. Windblown Signs, except flags as described in Section 3, E as provided herein;
 - vi. Signs that constitute a traffic hazard are prohibited, and no Sign or other advertising shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision;
 - vii. Off-Site Signs;
 - viii. Roof Signs;

- ix. Search lights;
 - x. Signs on or affixed to trees or utility poles, except that Signs may be placed on utility poles for utility identification purposes by the proper utility;
 - xi. Reflective or mirrored signs; and
 - xii. Signs placed or affixed within public right of ways or encroach upon a public right-of-way, except for Government Signs and that Wall Signs, Awning Signs, Canopy Signs, Projecting Signs, Shingle Signs and Sandwich Board Signs may encroach as provided herein.
- E. Vehicles. It shall be unlawful to use a vehicle or trailer as a sign in circumvention or violation of any part of this Code.

Section 3 – Signs Authorized in Every District

The following provisions sets forth Signs that are authorized by Section 2.A.ii above in every District.

- A. Government Signs. This Code does not apply to Signs erected, maintained or posted by the State, federal or this government, but the regulations in this Code clarify that Government Signs are allowed in every zoning district of the City which form the expression of this government when erected and maintained and include the signs described herein below when erected and maintained pursuant to law.
 - i. *Traffic Control*. Traffic control devices on private or public property are allowed to be erected and maintained in order to provide for public safety and in order to comply with the traffic control laws of the State of Arkansas and the City, as well as the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.
 - ii. *Public Interest Signs*. Public interest Signs of a non-commercial nature and in the public interest, erected by or on the order of a public officer in the performance of their duty, such as public notices, safety Signs, danger Signs, trespassing Signs, traffic and street Signs, memorial plaques and Signs of historical, environmental or local interest.
 - iii. *Street Numbers*. Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this Code or other law the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case larger than [four (4) square feet]. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.
 - iv. *Required Postings By Law*. Where a federal, state or local law requires a property owner to post a Sign on the owner’s property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property. The size of such signs should be no larger than [sixteen (16) square feet] or the minimum size required by law. No more than [two (2)] such Sign are allowed, or the minimum amount of Signs that are required by law.
 - v. *Flags*. A flag may be displayed as provided under the law that adopts or regulates its use and as provided in Section 3.E below.
 - vi. *Public Safety*. The Signs described in Sections 3.A.i, 3.A.ii , and 3.A.ii, are an important component of measures necessary to protect the public safety and serve the

compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

- vii. *Construction Signs.* Government sign- placards and other signs required by State and/or Federal Law to be displayed during construction or remodeling of buildings, or other site/infrastructure work.

B. Temporary Signs.

- i. *Temporary Signage.* Temporary Signs are allowed at any:

- (1) A property owner may place signage with sign face square footage not to exceed sixteen (16) square feet on the property at any time.
- (2) A property owner may place one (1) sign no larger than ~~twelve~~-sixteen (16) square feet in one (1) window on the property at any time.

- ii. *Temporary Signs During Elections.* Temporary Signs may be located on the owner's property for a period of sixty (60) days prior to any federal, state or local election that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located. All such temporary signs shall be removed within three (3) days after the election has occurred.

- iii. *Temporary Signs During Times When a Property is For Sale.* One (1) Temporary Sign may be located on a property when the following conditions are all met:

- (1) The owner consents and that property is being offered for sale through a licensed real estate agent.
- (2) If not offered for sale through a real estate agent, when the Sign is owned by the property owner and that property is offered for sale by the owner through advertising in a newspaper, online newspaper or in another public manner,

- (a) if more than one properties are simultaneously offered for sale, application may be made to install fewer, and larger, signs to serve the adjacent properties offered for sale. Such Sign(s) may be of a size and number to serve the total area of properties offered for sale. The Code Official shall determine the number and size of the Sign(s) allowed when properties are combined for this purpose, but in no event shall such a Sign(s) exceed eighty (80) square feet in size.
- (3) For a period of fifteen (15) days following the date on which a contract of sale has been executed by a person purchasing the property.
- iv. *Temporary Signs During Times When a Property is Open to the Public.* One(1) Temporary Sign may be located per entrance (from private/public road) on the owner's property on a day when the property owner is opening the property to the public during duration of seasonal openings; such Sign shall not exceed twelve (12) square feet in size and should be removed after the seasonal opening or other temporary opening is complete.
- v. *Temporary Signs for New Business Openings.* One(1) Temporary Sign may be located per entrance from road on the owner's property on a day when the property owner is opening the property/business to the public; allowed for 90 days. Such sign shall not exceed sixteen (16) square feet in size.
- vi. *Temporary Signs During Holiday Periods.* During the forty (40) day period December 1 to January 10, a property owner may place Temporary Signs on the property and may use lights between the hours of 7 a.m. and 10 p.m. CST to decorate the property even if the lights might be arranged to form a Sign. Further, a property owner may place and maintain Temporary Signs on their property on July 4th of every year.
- vii. *Temporary Sign Limitations.* It is the intent of this Code to limit the aesthetic impact of Signs on properties in order to prevent unsightly clutter, protect streetscapes, preserve property values and to promote traffic safety. The unregulated accumulation of Signs adversely affects these goals, property values and public safety, and so accordingly a person exercising the right to place Temporary Signs on a property as described in this Section 3.B must limit the number of Temporary Signs on the property per 0.25 acre at any one time to two (2) plus a Sign allowed in Section 3.B.i(2), or if the property is smaller than 0.25 acres then no more than two (2) Signs plus a Sign allowed in Section 3.B.i (2) per principal

building on the property unless a court having jurisdiction determines that additional Signs must be permitted and then the signage must be limited to the fewest Signs and the smallest accumulated sign area permissible under the court's determination.

viii. *Sign Face Limitation.* The Sign face of any Temporary Sign, unless otherwise limited in this Section 3.B must not be larger than sixteen (16) square feet.

- C. Lessors. For purposes of this Section (3), a lessor of a property is considered the property owner as to the property if the lessor holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessors of a property then each lessor must have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property must be deemed to be the property that the lessor has the sole right to occupy under the lease.
- D. Signs Not in View. Signs not otherwise prohibited in Section 2-Prohibited Signs, and which are not exposed to view from a public street or public right of way, public place or other property, shall not be regulated by the Code.
- E. Flags. Flags shall be permitted on properties as follows:
 - i. *Single-family Zoning Districts.* In a single-family zoning district (such as the zones currently recognized in the City: R-E Estate Single-Family Residential, R-1 Single-Family Residential, R-2 Single Family Residential, R-3 Single-Family Residential R-MF Multi-Family Residential, and R-MH Mobile Homes Residential) two (2) flags and one (1) flag pole shall be allowed per premises. Each flag shall be a maximum of fifteen (15) square feet in area. The flag pole shall be a maximum of twenty-five (25) feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles must meet the minimum yard setback requirements for a principal building.
 - ii. *Nonresidential Zoning Districts.* In all other non-residential zoning districts, one flag per twenty-five (25) feet of frontage on a right-of-way up to a maximum of six (6) flags and six (6) flag poles per premises. Each flag shall be a maximum of twenty-four (24) square feet in area. Flag poles shall be a maximum of fifty (50) feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.
- F. Temporary Signs shall not be placed or located in such a manner as they obscure the view of pedestrian or vehicular traffic and shall not be placed within twenty-five (25) feet of an intersection.

Section 4 - Permit Required

- A. In General. A sign permit is required prior to the display and erection of any sign except as provided in Section 4.F. below.
- B. Application for Permit.
- i. *Application*. An application for a Sign permit must be filed with the Code Official or designee on forms furnished by City. The applicant must provide sufficient information to determine if the proposed Sign is allowed under this Code and other applicable laws, regulations, and ordinances. An application for a Temporary Sign must state the dates intended for the erection and removal of the Sign. An application for any Sign must state the date when the owner intends to erect it.
 - ii. *Review by Code Official*. The Code Official or designee must promptly process the Sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within ten (10) days after receipt. Any application that complies with all provisions of this Code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
 - iii. *Rejection of Application*. If the Sign permit application is rejected, the Code Official shall provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this Code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- C. Permit fee. A nonrefundable fee as set forth in the fee schedule adopted by the City must accompany all Sign permit applications.
- D. Duration and revocation of permit. If a Sign is not installed and a use permit issued within six (6) months following the issuance of a Sign permit (or within thirty (30) days in the case of a Temporary Sign permit), the permit shall be void. The permit for a Temporary Sign must state its duration, not to exceed thirty (30) days unless another time is provided in this code or the zoning ordinance. The City may revoke a Sign permit under any of the following circumstances and at anytime:
- i. *Misleading*. The City determines that information in the application was materially false or misleading;
 - ii. *Conformity to Application*. The Sign as installed does not conform to the Sign permit application;
 - iii. *Violation of Code*. The Sign violates this Code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
 - iv. *Maintenance and Abandonment*. The Code Official determines that the Sign is not being properly maintained or has been abandoned.

- E. Permits Not Required. A sign permit is not required for Signs:
- i *Authorized Signs.* Those Signs described in Section 3 – Authorized Signs with a total area not to exceed sixteen (16) square feet and a maximum height of eight (8) feet tall;
 - ii *Official Notices.* Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished;
- F. Appeals. All decision and interpretations of the Code Officer under this Code shall be considered final administrative actions for the purpose of appeals set forth in the Tontitown Municipal Code at § 153.263.

Section 5 - Sign Regulations by District

A. The following Signs shall be permitted to the zoning districts as indicated below. Specific requirements for each Sign are shown on the following pages. All of the following Sign types require a Sign permit.

	A	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Awning	--	--	--	--	--	--	--	--	A	A	A
Canopy	--	--	--	--	--	--	--	--	A	A	A
Crown	--	--	--	--	--	--	--	--	A	A	A
Digital	--	--	--	--	--	--	--	--	--	A*	A*
Double Post	--	--	--	--	--	--	--	--	A	A	A
Monument	--	C	C	C	C	C	C	C	A	A	A
Projecting	--	--	--	--	--	--	--	--	A	A	A
Pylon	--	--	--	--	--	--	--	--	--	A*	A*
Sandwich Board	--	--	--	--	--	--	--	--	A	A	A
Shingle	--	--	--	--	--	--	--	--	A	A	A
Subdivision	A	A	A	A	A	A	A	A	A	A	A
Wall	--	--	--	--	--	--	A	--	A	A	A
Window	--	--	--	--	--	--	A	--	A	A	A

-- = Not Allowed

A = Allowed

A* = Allowed with Restrictions (See specific sign type section for additional details)

C = Allowed through a Conditional Use Permit issued by the Planning Commission.

B. Any Sign type that is not listed above shall be prohibited.

C. The following regulations for each Sign type shall apply to any permitted use in a Zoning Districts.

i. *Awning Sign.*



Description	Sign Dimensions
<p>A Sign where graphics or symbols are painted, sewn or otherwise adhered to the awning fabric or material that is soft or flexible as an integrated part of the awning itself.</p>	<ul style="list-style-type: none"> • Width (max) – no greater than 75% of the width or depth of the awning. • Area (max) –No maximum
Regulations	Number of Signs
<ul style="list-style-type: none"> • Shall not extend beyond the awning itself. • Only awnings over ground story windows may contain a Sign. 	<p>In a single tenant situation, 1 Awning Sign permitted per awning. The Awning Sign can be placed on either the front or side valance. For multi-tenant awning Signs, and a canopy that extends the length of several tenants, each tenant may have a maximum of 9 SF on the Awning Sign.</p>

Total Sign Area Allocation:

The combined square footage of Awning, Canopy, Crown, Projection and Wall Signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 square feet.

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Awning	--	--	--	--	--	--	--	--	A	A	A

ii. **Canopy Sign.**



Photo Credit: wikimedia.org



Description	Sign Dimensions
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Any Sign that is mounted, painted, or otherwise applied on or attached to an architectural canopy or structural protective cover over an outdoor area.

- Width – no greater than 75% of the width or depth of the canopy
- Height of text or graphics on the canopy – 2’
- Sign Area (max) –24 SF
- Sidewalk/driving surface clearance (min) – 10’

Regulations	Number of Signs
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For awnings attached to a building:

- The Canopy Sign shall not extend beyond the length or the width of the canopy, but it may extend either above or below the canopy.
- Only awnings over ground story windows may contain a Sign.

For free-standing awnings:

- The Canopy Sign shall not extend beyond the length or the width of the canopy, but it may extend either above or below the canopy.

For awnings attached to a building:

- 1 Canopy Sign permitted per each customer entrance. The Canopy Sign can be placed on either the front or side valance.

For free-standing awnings:

- 1 sign allowed per side for up to two sides maximum.

Total Sign Area Allocation:

For awnings attached to a building:

The combined square footage of Awning, Canopy, Crown, Projection and Wall Signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 SF.

For free-standing awnings:

No more than 24 sq ft total of awning signage allowed per free-standing awning

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Canopy	--	--	--	--	--	--	--	--	A	A	A

iii. **Crown Sign.**



Description	Sign Dimensions
<p>A Wall Sign extending not more than 3 feet from the building façade located on the upper horizontal band of a building at least 2 stories in height</p>	<ul style="list-style-type: none"> ● Sign Area – 250 SF ● Height – 8’ ● Projection from facade – 3’ ● Width – no greater than 75% of the width or depth of the façade
Regulations	Number of Signs
<ul style="list-style-type: none"> ● Only permitted on buildings at least 2 stories in height. ● Cannot be placed below the start of the highest floor and cannot extend above the roofline. ● Cannot cover architectural detail or windows. 	<ul style="list-style-type: none"> ● No more than one crown sign per building facade and no more than 2 crown signs per building are allowed. ● No more than one tenant can be identified on the Sign.

Total Sign Area Allocation:

The combined square footage of Awning, Canopy, Crown, Projection and Wall Signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 SF.

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Crown	--	--	--	--	--	--	--	--	--	A	A

iii. Digital Signs

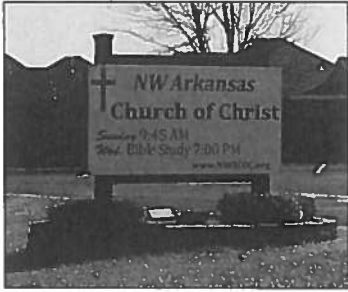


Description	Sign Height, Dimensions and Number of Signs
<ul style="list-style-type: none"> An electronically displayed Sign that is static or changes messages by any electronic process or remote control. Permanently affixed Sign which is wholly independent of a building for support. Must be part of a freestanding sign type (monument, pylon, or double post). A Digital Sign shall only be used in conjunction with another non- digital signage type. 	<ul style="list-style-type: none"> Sign Face Area and Height- the Digital Sign shall be no greater than 50% (fifty percent) of the size of the accompanying non-digital signage. Reference the individual sign area restrictions for the signage type with which the digital sign will be paired. <ul style="list-style-type: none"> Only 1 (one) digital sign is allowed per street frontage of each lot. Total Structure Height (max) –Divided into two sections of intensity: <ol style="list-style-type: none"> 40' (forty feet in height) or less (from the eastern City limits boundary) to the intersection of Via De Tonti and HWY 412 25' (twenty-five feet in height) or less (from the intersection of Via De Tonti and HWY 412 to the Western City limits)
Regulations	Regulations (cont.)
<ul style="list-style-type: none"> Allowed only within 100 (one hundred) linear feet (to the north or south) of the HWY 412 R.O.W. Must be set back at least 10 feet from the front lot line and 10 feet back from the side lot line. Must have highway frontage No sign message shall be displayed for a period of time less than eight seconds. No sign shall display animated messages, including flashing, blinking, fading, rolling, shading dissolving, or any other effect that gives the appearance of movement. No sign shall include any audio message 	<ul style="list-style-type: none"> Transition from one message to another message shall appear instantaneous as perceived by the human eye. Each sign message shall be complete in itself and shall not continue on a subsequent sign message. Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three tenths (0.3) foot candles above ambient light, as measured using a foot candle (Lux) meter. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Digital Signs	--	--	--	--	--	--	--	--	--	A*	A*

**Allowable only within 100' (one hundred feet) of the HWY 412 R.O.W.*

iv. Double Post Sign.



Description	Sign Dimensions
<p>A permanently affixed Sign which is wholly independent of a building for support where the primary support is supplied by two posts.</p>	<ul style="list-style-type: none"> • Sign Area (max) - 48 SF • Height (max) - 8'
Regulations	Number of Signs
<p>Must be set back at least 5 feet from the front lot line and 5 feet back from the side lot line.</p>	<ul style="list-style-type: none"> • Only 1 (one) Double Post Sign Structure (or Monument or Pylon Sign*) is allowed per street frontage. • Where more than one Monument Sign or Pylon Sign* is allowed on the same property, must be a minimum of 500 feet apart.

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Double Post	--	--	--	--	--	--	--	--	A	A	A

v. *Pylon Sign.*



Description	Sign Dimensions
-------------	-----------------

A Sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including Signs mounted to the ground.

- Sign Area (max) - 100 SF
- Total Structure Height (max) –Divided into two sections of intensity:
 1. 40 (forty feet in height) or less (from the eastern City limits boundary) to the intersection of Via De Tonti and HWY 412
 2. 25’ (twenty-five feet in height) or less (from the intersection of Via De Tonti and HWY 412 to the Western City limits)

Regulations	Number of Signs
-------------	-----------------

- Single Tenancy use only
- **Allowed only within 100 (one hundred) linear feet (to the north or south) of the HWY 412 R.O.W.**

- Only 1 Pylon Sign Structure* (or Double Post/Monument Sign) is allowed per street frontage of each lot.
- Where more than one Monument Sign or Pylon Sign Structure* is allowed on the same property, must be a minimum of 500 feet apart.
- Placement of the sign within the lot may be evaluated by the planning official to achieve appropriate spacing of signage between adjoining lots (the goal is to keep signage evenly spaced along ROWS when possible).

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Pylon	--	--	--	--	--	--	--	--	--	A*	A*

**Allowable only within 100’ (one hundred feet) of the HWY 412 R.O.W.*

vi. *Monument Sign.*



Description	Sign Dimensions
<p>A free-standing and permanently affixed Sign that is supported by a solid base (other than poles) and such that no air space is visible within or between any portion of the sign display area and sign structure.</p>	<p>Sign Area (max per Sign)</p> <ul style="list-style-type: none"> ● 1 tenant - 48 SF ● 2 to 3 tenants - 72 SF ● 4 to 5 tenants - 84 SF ● 6 or more tenants - 108 SF <p>Height (max) - 8' for 1-3 tenants, 12' for 4-6 or more tenants</p>

Regulations	Number of Signs
<ul style="list-style-type: none"> ● Must be set back at least 10 feet from the front lot line and 10 feet from the side lot line. ● The size of the Monument Sign for applicants which include more than 6 tenants may be increased by conditional use permit approved by the Planning Commission. 	<ul style="list-style-type: none"> ● Only one Monument, Double Post or Freestanding Sign Structure is allowed per street frontage. ● Where more than one Monument, Double Post or Freestanding Sign Structure is allowed on the same property, must be a minimum of 500 feet apart.

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Monument	--	C	C	C	C	C	C	C	A	A	A

vii. *Projecting Sign.*



Photo Credit: Elliott Brown, Wikimedia Commons

Description	Sign Dimensions
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A Sign, other than a wall sign, that is mounted to the wall or surface of a building or structure and which is supported by a wall of a building or structure and projects from the building by twelve (12) inches or more.

- Height (max): 4' (mounted below 2nd floor); 8' (mounted between 2nd and 3rd floor); 12' (mounted above the 3rd floor)
- Spacing from building façade (max) - 1'
- Projection width (max) - 6'
- Depth (max) - 1'
- Clear height above sidewalk (min) - 10'

Regulations	Number of Signs
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- May be mounted on a building corner when the building is at the intersection of two streets
- Top of the Sign may be no higher than the top of the building.

A Maximum of one Projecting Sign or Shingle Sign for each individual building or for each public/private street or parking area frontage side of an individual building.

Total Sign Area Allocation:

The combined square footage of Awning, Canopy, Crown, Projection and Wall Signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 SF.

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Projecting	--	--	--	--	--	--	--	--	A	A	A

viii. *Sandwich Board Sign.*



Description	Sign Dimensions
<p>A moveable Sign not secured or attached to the ground or surface upon which it is located.</p>	<ul style="list-style-type: none"> • Sign Area (max) - 9 SF • Sign height (max) - 3' • Sign width (max) - 2.5
Regulations	Number of Signs
<ul style="list-style-type: none"> • Must be removed and placed indoors at the close of business each day. • Cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility. • May not be illuminated. 	<p>Each ground floor tenant can have one (1) Sidewalk Sign located adjacent to the primary façade on the sidewalk with the principal customer entrance or up to 8 feet from the façade.</p>

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Sandwich Board	--	--	--	--	--	--	--	--	A	A	A

ix. *Shingle Sign.*



Description	Sign Dimensions
<p>A small Projecting Sign that hangs from a bracket or support and is located over or near a building entrance.</p>	<ul style="list-style-type: none"> • Sign Area (max) - 9 square feet • Height (max) - 3' • Spacing from building façade (max) - 1' • Projection width (max) - 3' • Depth (max) - 6" • Clear height above sidewalk (min) - 10'
Regulations	Number of Signs
<ul style="list-style-type: none"> • Must be located within 5 feet of an accessible building entrance. • Must be located below the window sill of the second story on a multi-story building or below the roof line of a single story building. • May not be illuminated. 	<p>A Maximum of one Projecting Sign or Shingle Sign for each individual building or tenant of each individual building or for each public/private street or parking area frontage side of an individual building.</p>

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Shingle	--	--	--	--	--	--	--	--	A	A	A

x. Subdivision Sign.



Description	Sign Dimensions
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A permanently affixed Sign which is wholly independent of a building for support attached along its entire width to a continuous pedestal or wall that is used to identify the entry to or name of an entire development.

- Sign Area (max) - 32 SF (sign face)
- Height (max) - 8' (sign face)

Regulations	Number of Signs
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- Must be set back at least 10 feet from the front property line and 15 feet from the side property line.
- Must not impair vision or line of sight for incoming or outgoing traffic.

Two subdivision Signs are allowed per street frontage, one on each side of an entrance street into a subdivision.

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-I	C-2	I
Subdivision	A	A	A	A	A	A	A	A	A	A	A

xi. Wall Sign.



Photo Credit: Mike Mozart, Jeepers Media

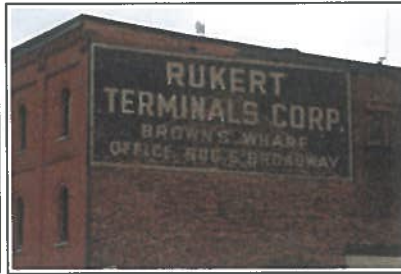


Photo Credit: Max Pixel

Description	Sign Dimensions
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Means any attached Sign other than a Projecting Sign or a Banner Sign, which is permanently attached to or painted on any wall of any building and projects from the plane of the wall less than twelve (12) inches.

- Sign Area – a maximum of 15% of the square footage of the building’s wall area facing a public/private street, drive, or parking area.

Regulations	Number of Signs
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- Must be no higher than the highest point of the second floor of the building
- Must not extend above the roof line or above a parapet wall of a building with a flat roof.
- May not cover architectural detail.
- May not extend above the lower eave line of a building with a pitched roof.

While there is no set restriction on the maximum number of signs allowed, multitenancy buildings must consider that the percentage of wall area must be divided between multiple tenants (if a building has multi-tenancy occupancy).

In no event shall the Sign Area for available frontage used by multiple tenants exceed the maximum Sign Area set forth in this section.

Total Sign Area Allocation:

The combined square footage of Awning, Canopy, Crown, Projection and Wall Signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 square feet per wall.

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-1	C-2	I
Wall	--	--	--	--	--	--	--	A	A	A	A

xii. Window Sign.



Photo credit: Juliet Rich

Description	Sign Dimensions
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An attached Sign that is not a Temporary Sign and which is attached to, painted on, etched or otherwise adhered to a window or which is displayed within twelve (12) inches of the window and is legible from outside the window.

- N/A

Regulations	Number of Signs
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- No Permit Required.
- Limited to 35% of window area.

No restrictions

	A-1	R-E	R-1	R-2	R-3	R-3L	R-MF	R-MH	C-1	C-2	I
Window	--	--	--	--	--	--	--	A	A	A	A

B. Regulations for Overlay Districts.

Sign regulations enacted for Overlay Districts within the City shall supersede this Code to the extent that such regulations conflict.

C. Illumination.

No Sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

- i. Illumination is restricted to incandescent or LED light bulbs rated at one hundred and fifty (150) watts, or an amount not to exceed two thousand seven hundred (2,700) lumens.
- ii. Internal Illumination – Internally illuminated Signs must be lit from a concealed source. No exposed lamps or tubes shall be permitted. The minimum depth for illuminated signs shall be four (4) inches. Illuminated signs may be set out from the mounting surface in order to create a silhouette effect.
- iii. External Illumination – Signs may be externally illuminated as provided herein, but external illuminated must direct light at the Sign only and avoid spill-over of light.

D. Changeable Copy Signs.

Manual and electronic changeable copy on Monument Signs shall be permitted provided that the manual or changeable copy does not exceed 40% of the Sign Area and the copy rotation may not exceed three (3) times per day.

E. Procedures.

Applications for a Sign permit must be processed through the Building Official.

F. Nonconformity and Modification.

A nonconforming Sign cannot be replaced by another nonconforming sign, including face material, except that the substitution or interchange of poster panels or painted boards on a nonconforming Signs is permitted. All nonconforming Signs must be maintained in a safe manner and in good repair.

Minor repairs and maintenance of nonconforming signs is permitted. However, no structural repairs, structural changes or changes in the size, shape or technology currently being used on the sign is permitted except to bring the sign out if its nonconforming condition and into compliance with the requirements of this code.

Nonconforming signs may stay in place until one of the following conditions occurs:

- i. The business advertised ceases at that location, except that the substitution or interchange of poster panels or painted boards is permitted;
- ii. The deterioration of the sign makes it a hazard; or
- iii. The sign has damage exceeding 50% of its replacement cost

G. Compliance.

Any non-conforming Sign which is altered, relocated, replaced in a manner not specifically covered in Section 5, F (above) of this code must be brought immediately into compliance with all provisions of this Code.

Section 6 - Generally

A. Severability Clause.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

B. Substitution Clause.

These regulations are not intended to regulate the message or content of non- commercial signs or temporary signs. A sign with a non-commercial message may substitute a sign with a commercial message, provided it meets all requirements of this code.

C. Enforcement.

Except as otherwise provided herein, these regulations shall be enforced by the Building Official(s) appointed or designated by the Mayor. It shall be a violation of these regulations for any person to erect, alter, move or improve any Sign until an appropriate Sign permit has been obtained under these Regulations. Code Enforcement Officers, or other designated person, may remove Temporary Signs that are in violation of these regulations, including but not limited Signs which have been improperly placed in the city right-of-way.

If the Building Official or designee shall find that any Sign is unsafe or insecure, is abandoned or maintained in a dilapidated condition or has been constructed or is being maintained in violation of the provisions of the regulations or any other ordinance of the City of Tontitown, the Building Official or designee shall give written notice of the violation or problem to the Sign permittee or owner of the property on which the Sign is located. The notice shall require removal of the Sign and/or structure within seven (7) days. If the permittee or owner fails to remove or alter the Sign so as to comply with the standards set forth in these regulations seven (7) days of the receipt of said notice, the city may remove or alter such Sign to comply with the Tontitown Municipal Code. All expense incidental to such removal or alteration shall be charged to the owner of the property upon which the Sign is or was located and shall constitute a lien upon the property.

D. Penalty.

Except as otherwise provided, a violation of this chapter shall be deemed a misdemeanor and shall be punishable as set forth in Chapter 10.99. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of these regulations or the Tontitown Municipal Code.