ORDINANCE NUMBER 2022-__

AN ORDINANCE AMENDING THE SIGN CODE ORDINANCE 2012-29 OF THE CITY OF BRYANT.

WHEREAS, the City of Bryant established the Bryant Sign Regulations under Ordinance 2012-29 dated September 27,2012; and

WHEREAS, the City of Bryant Arkansas desires to promote beautification efforts and promote the use of signs in the city which are safe, aesthetically pleasing, compatible with their surroundings and legible in circumstances in which they are seen; and

WHEREAS, the City of Bryant recognizes the need for a well-maintained and attractive physical appearance of the community and the need for adequate business identification for the conduct of competitive commerce; and

WHEREAS, the Bryant Planning Commission has prepared new regulations to implement the needed changes to the Sign Regulations; and

WHEREAS, the Planning Commission of the City of Bryant, Arkansas conducted a duly advertised public hearing concerning the proposed regulations, subsequent to which they credited the proposed regulation to the City Council for its adoption.

NOW, THEREFORE, BE IT ORDIANED BY THE CITY COUNCIL OF THE CITY OF BRYANT ARKANSAS:

Section 1. Adoption

The City of Bryant does hereby adopt the attached sections of the Sign Regulations of the City of Bryant shall be amended by reference as a technical code amendment pursuant to A.C.A. 14-55-207.

Section 2. Codification

The City of Bryant City Council does hereby direct the Planning and Community Development Director to codify and organize these adopted sections.

Section 3. General Repealer

All laws, ordinances, resolutions, or parts of the same, which are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency or conflict.

Section 4. Severability

Should any title, section, paragraph, item, sentence, clause, or phrase of this Ordinance be declared or adjudged invalid or unlawful by a court of competent jurisdiction, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged or unconstitutional was not originally a part of the Ordinance.

PASSED AND APPROVED this _____ day of December, 2022.

Approved: _____
Mayor Allen E. Scott

Attest: _____
Mark Smith, City Clerk

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I. Section One: Purpose and Scope

1.01 – Intent, Scope, and Applicability

The scope of this Ordinance shall be to regulate signs intended to be viewed from any vehicular or pedestrian public right-of-way or public/private fire apparatus road. These regulations are intended to regulate signs in a manner that balances the right of free speech through sign display against the competing public and governmental interests in community aesthetics, safety, prevention of sign clutter and visual pollution, and other negative effects associated with excessive and/or improper signage.

These regulations shall be supplemented by additional ordinances and regulations established by the City of Bryant including the: Heart of Bryant Area Development Code and any other applicable ordinances as may be established. In the event of a conflict between these regulations and others, the most stringent regulations shall apply.

1.02 - Purpose

Signs are an important and necessary means of communication. When properly regulated, signs can serve as a great economic and aesthetic asset. This Article provides standards for the installation and maintenance of signs. All signs shall be installed and maintained in accordance with this Article, as applicable. The general purpose of these standards is to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public as well as to prevent the degradation of the aesthetic quality of Bryant, and to achieve the following:

A. Safety

To promote the safety of persons and property by providing that signs:

1. Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
2. Do not obstruct firefighting, police, and private security surveillance;
3. Do not create traffic hazards by confusing or distracting motorists;
4. Do not impair the motorist's ability to see pedestrians, obstacles, other vehicles, or to read traffic signs and signals;
5. Do not cause hazardous or unsafe driving conditions for motorists due to their lighting or visual motion; and,
6. Do not otherwise interfere with or detract from the safety of persons or property.

B. Communications Efficiency

To promote the efficient transfer of information in sign messages providing that:

1. Customers and other persons may identify and locate a business, establishment, or service;
2. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and,
3. The messages in signs may otherwise be communicated efficiently.

C. Landscape Quality and Preservation

To protect the public welfare and to enhance the appearance and economy of the city, by providing signs that:

1. Do not unreasonably interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not constitute a nuisance to occupancy of adjacent property by their brightness, light glare and reflection, size, height, movement, or visual movement;
4. Are not detrimental to land or property values;
5. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
6. Do not create or worsen visual clutter or visual blight;
7. Do not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
8. Do not obstruct views of users of adjacent buildings to side yards, front yards, or to open space;
9. Are compatible with the fabric of existing neighborhoods and do not impose a foreign or inharmonious element to an existing skyline;
10. Contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;
11. Protect and preserve a quality landscape in the city; and
12. Otherwise enhance the appearance and economy of the city.

1.03 - Authority

This Ordinance is adopted under the authority conferred on the City of Bryant by the General Assembly of the State of Arkansas by the A.C.A. § 14-56-401 through § 14-56-426.

II. Section Two: General Provisions

2.01 - General

It shall be illegal for a person or entity to install, place, modify, move, or maintain a sign within the City of Bryant except in accordance with the regulations of this Ordinance. These regulations establish the minimum standards for the installation, construction, and maintenance of signage. The number and area of signs as outlined in these regulations are intended to be maximum standards. These regulations shall not apply to any signage which is not directly viewable from a public street, alley, trail, or publicly accessible fire-apparatus road. Signs shall only be permitted upon lots/parcels or buildings which are not vacant and occupied by a conforming or nonconforming primary use.

2.02 - Signs Prohibited - The following types of signs are prohibited in all districts:

A. Abandoned signs.
B. Signs imitating or resembling official traffic or government signs or signals.
C. Signs imitating warning signals.
D. Signs within Right-of-Way. No sign whatsoever, whether temporary or permanent, except erected by an official governmental agency is permitted within any street or highway right-of-way or City of Bryant public easement.

E. No signs may be painted on or attached to trees, rocks, or other natural formations, fence posts, utility poles, public benches, streetlights, or building roofs.
F. Portable signs. A portable sign is any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
G. Off-premise/off-site signs, except as permitted by Bryant Billboard Ordinance No. 2006-42.
H. Signs that are mounted, attached, or painted on trailers, boats or vehicles when parked to be used as additional signage on or near a business premises; and similar signs.
    1. No vehicle or trailer with advertising message mounted or painted thereon may be parked continuously for more than fifteen (15) consecutive calendar days in any zoning district, so that it becomes an advertising sign.
    2. Exception - Such vehicles or trailers parked on active construction sites or within a commercial zoning district with an approved temporary business permit for the vehicle or trailer are exempt from this regulation.

2.03 – Permit Requirement and Application

Except where explicitly exempted from permitting requirements by this Ordinance, no sign may be erected, transferred, rebuilt, changed, or structurally altered unless a permit has been issued by the Administrative Official or his/her designee. Addition or modification of illumination of any existing sign which changes the form or intensity of the sign's lighting shall require a sign permit.

Maintenance of existing signs, including change of copy, painting of support structures, and same for same exchange of lighting elements shall not require a sign permit. Sign design changes or structural alteration of a sign or sign support structure shall not be considered maintenance.

A. Applications

Application for a sign permit shall be made by means provided by the City of Bryant and shall contain at least the following:

1. Applicant Information. Name and address of the applicant and/or contractor.
2. Location Information. Street address and/or location of the property where the signage will be located.
3. Property Owner/Authorized Agent. Name and address of the property owner of the sign location along with proof the applicant is an authorized agent of the property owner, if the applicant is not the property owner.
4. Scaled Site Plan. A scaled site plan showing the location(s) of the signage on the property or building and showing street right-of-way, property lines, and easements as well as relationship to major site features such as buildings, parking, etc. For wall signs, provide dimension of walls and all walls signs (including windows) on the affected building elevation(s).
5. Scaled Sign Drawing. A scaled drawing(s) of the signage showing the design and including dimensions of the sign height, area, design, content, and dimensions of the sign as well as the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window or the ground.
6. Materials List and Illumination Design. Indication of materials used for the signage along with details/design on how the sign will be illuminated.

7. Sign Calculations. Computation of the total sign area, the area of each individual sign, the height of each sign, and the total number and size of existing and proposed signs on the site or structure.
8. Structural Plans. Structural design plans developed by a licensed professional engineer shall be required for any sign with a support structure exceeding twenty (20) feet tall.
9. Other Information. Other information as required by the Administrative Official or his/her designee that is reasonably necessary to demonstrate compliance with these regulations.

B. Application Approval and Issuance

The Administrative Official or his/her designee shall be charged with review of all sign permit applications based upon provisions of this Ordinance and other applicable regulations. Review shall be completed within thirty (30) days from receipt of the completed application, including all fees. A decision must be rendered to approve, deny, or provide notice of deficiencies in the application by the end of this thirty (30) day review period. A notice of deficiencies in the application will be provided in writing to the applicant. Any application which is amended or corrected within sixty (60) days of receipt of a notice of deficiencies in the application shall not be charged an additional sign review fee. An application shall only be approved when full compliance of the application with these regulations is demonstrated. False statements or misrepresentations of facts in the application may constitute grounds for denial of an application. For any application which is denied, a written explanation of denial will be provided to the applicant upon request.

C. Fee

Fees shall be submitted and paid prior to review of the application. All fees are non-refundable. The fee shall be set in accordance with a schedule of fees adopted by the City Council. If no schedule of fees is adopted, following adoption of these regulations, the fee shall be fifty dollars ($50) per sign. Unpermitted work completed prior to approval of a sign permit shall be assessed a one-hundred fifty-dollar ($150) fee payable prior to issuance of a sign permit for any subsequent work. All fees shall be in addition to any applicable state trade fees.

D. Inspection and Expiration

The person or contractor completing the work covered under the permit shall notify the Administrative Official or his/her designee after completion of work. A final inspection, in addition to any footing or electrical inspections, shall be required to confirm compliance with the terms of the sign permit. All work covered under a sign permit shall be completed within twelve (12) months of the date of issuance of the permit, or the permit shall become void and null. The Administrative Official may revoke any permit or order any sign removed upon notice and for cause as set out in this Ordinance.

2.04 - Signs Not Requiring Permits - The following types of signs are exempt from the permit requirements but must be in conformance with all other requirements of the ordinance:

A. Temporary Signs.
B. Signs less than two (2) square feet in size that are non-illuminated and attached to a building or structure or supported by a post and arm structure, limited to one (1) per building.

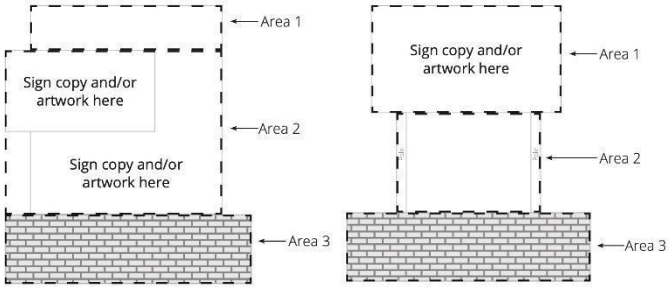
C. Governmental signs and official public signs, including but not limited to, wayfinding signs, public notice signs, required postings by state/federal/local law, safety signs, danger signs, or traffic signs.
D. Window signs.
E. Incidental signs less than four (4) square feet in size.
F. Markers located at historic sites which are recognized by local, state, or federal authorities.
G. A-Frame signs.
H. Signs created by landscaping and comprised only of vegetation.
I. Handheld signs displaying protected noncommercial messages.

III. Section Three: Policies, Rules of Interpretation, and Standards

3.01 – Message Neutrality - This Ordinance is not intended to regulate signs in a manner that favors commercial speech over noncommercial speech. A noncommercial message may, in whole or in part, substitute a commercial message on any sign, provided all requirements of this Ordinance and other applicable regulations are met. This Ordinance is not intended in any way to regulate the message or content of any form of temporary signage.

3.02 – On-Premise/Off-Premise Distinction - The distinction between on-premise and off-premise signage applies only to permanent signage with a commercial message. It does not apply to noncommercial messages or temporary signs.

3.03 – Sign Area Measurement - When calculating the surface area of any sign, a maximum of three (3) distinct and abutting rectangles "Areas" made up of squares or extreme may be used to encompass the limits of the writing, display, representation, emblem, or other color together with any material or background forming an integral part of the of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The minimum size for an “Area” is one square foot. Calculations shall be based upon measuring the largest sign face. No more than two (2) sign faces shall be permitted. Calculations shall not include the pole support structure for signs exceeding ten (10) feet in height.



3.04 – Height - When determining height, the average established ground level beneath the sign shall be used for measurement. Where the elevation of a street curb or sidewalk is higher than the average established ground level, height shall be measured from the elevation of the street curb or sidewalk. Any berm or fill greater than one (1) foot tall placed at the base of the sign shall not be considered the average established ground level.

3.05 - Setback Requirements

A. No Sign shall be erected or maintained except in conformity with the following setback requirements:
   1. Front: Signs shall be set back a minimum of ten (10) feet from back of curb, edge of roadway surface, or street right- of-way, whichever is greater.

2. Side: All signs shall be set back a minimum of ten (10) feet from the nearest side property line

B. Exceptions: The above setback requirements shall not apply to those signs mounted on building walls lawfully sited within the setback space, when such signs otherwise conform to the provisions of this ordinance.
C. No sign shall block sidewalk, multi-use trail, or pedestrian pathway.

3.06 - Lighting

A. Unless otherwise prohibited by this Ordinance, all signs may be illuminated. No illuminated sign shall be permitted within which faces the front, side, or rear lot lines of any residential lot regardless of zoning district and is located within fifty (50) feet thereof.
B. Every part of the light source of any illuminated sign shall be concealed from view from vehicular traffic in the public right-of-way or adjacent property. The light shall not travel from the light source directly to vehicular traffic in the public right-of-way or adjacent property, but instead shall be visible only from a reflecting or diffusing surface.
C. This provision shall not apply to neon tube lighting or electronic message centers operating in accordance with this Ordinance.
D. Backlit Illuminated Awnings- Unless expressly provided otherwise in this Ordinance, awning signs may be illuminated, including without limitation by backlighting.

3.07 - Changeable Copy - Unless otherwise specified by this Ordinance, any sign herein allowed may use manual changeable copy or electronic message centers as follows:

A. Electronic message centers in C-2 Commercial Zoning Districts may display animation so long as flashing is not utilized.
B. Electronic message centers are not allowed in any residential zoning district.
C. All electronic message centers must be equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions.
D. No electronic message center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a distance set by the industry standard as defined by the Outdoor Advertising Association of America.

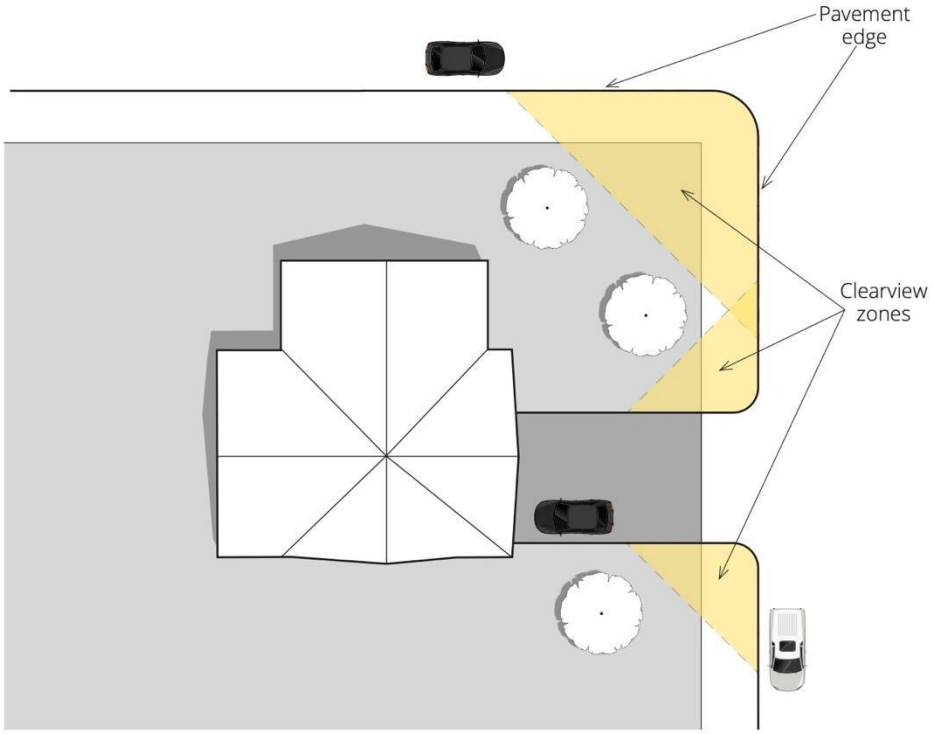
3.08 - Sign Projections from Buildings - Signs attached to and wholly supported by a building shall not project more than eight (8) feet from any building and the bottom of such sign shall not be less than ten (10) feet above the sidewalk or fourteen (14) feet above a vehicular right of way and shall not project into the public right- of-way.

3.09 - Sign Similarity to Official Signs - No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway signs.

3.10 - Obstruction of Vision - No sign or sign landscaping may be installed in a manner to obstruct vision of pedestrian and vehicular traffic at street intersections, driveways, alleys, or publicly accessible fire apparatus roads.

No sign or sign landscaping in excess of two (2) feet in height may be installed in a clear view zone. Clear view zones areas are measured from the point of intersection of lines that extend along the edge of pavement at intersections between streets or publicly accessible fire apparatus roads and another street, another publicly accessible fire apparatus road, driveway, or alley. See clear view zone figure.

The measurements for clear view zones shall be as follows:



A. Street/publicly accessible fire apparatus road to street/publicly accessible fire apparatus road intersections: Thirty (30) feet.
B. Driveway/alley and street/publicly accessible fire apparatus road: Twenty (20) feet.

3.11 - Interference with Utilities - No part of any sign shall be located within or over the designated safety zone of any City of Bryant water, sewer, and drainage easement.

3.12 – Maintenance Standards - Every sign, including those specifically exempt from this ordinance in respect to permits and permit fees, and all parts, portions, and materials shall meet these maintenance standards.

A. All sign(s)/sign support structures and premises surrounding the same shall be maintained in a clean, sanitary condition free and clear of all rubbish and weeds.
B. All sign(s)/sign support structures shall be kept in compliance with all building and electrical codes, in conformance with the requirements of this Ordinance.
C. All sign(s)/sign support structures shall be kept free of deterioration, breakage, termite damage, rot, corrosion, rust, or loosening. All paint and materials shall be kept free of cracking, peeling, or fading.

3.13 – Abandonment - Abandoned signs shall be required to be removed. For signs which are legally permitted and conforming, removal shall consist of removal of any sign message. Signs which are legally nonconforming or otherwise nonconforming, removal shall consist of total removal of the sign including all sign support structures.

Excluding billboards, a sign shall be considered abandoned when the building or lot/parcel upon which the sign is located is no longer occupied and vacant or actively being marketed for sale or lease for a period of more than ninety (90) consecutive days.

IV. Section Four: Specific Requirements by Sign Type and Zoning District

4.01 – Signs Allowed in Planned Unit Developments or Other Special Districts - Sign requirements for districts not covered by these regulations including Planned Unit Developments (PUDs) and other forms of special zoning shall be established by the document or regulations created for the development or district. If not established for the development or in the regulations pertaining to the special district, an applicant may petition for the development or district to be treated similarly to one or more of the districts contained in this Ordinance. The Administrative Official shall make a written determination pertaining to the request based on the similarity of the development or district(s) to one or more of the districts in this Ordinance. If the Administrative Official denies the petition, the applicant may request an appeal of a decision of the Administrative Official.

4.02 – Aesthetic Corridors and Interstate Sign Zone

A. Aesthetic Corridors

Freestanding or pole signs that are constructed, removed, destroyed or replaced shall be replaced only with a monument or ground-mounted sign when the building or parcel/lot is located with lot frontage and/or obtains access via driveway or publicly accessible fire apparatus road along the roadways listed below. Such signs shall meet all other regulations.

1. Springhill Road
2. Hilldale Road
3. Bryant Parkway
4. Woodland Park
5. Springhill Overpass to Woodland Park
6. Prickett Road from Woodland Park to Reynolds Road
7. Prickett Road
8. Boone Road
9. Reynolds Road from Mills Park Road, South to City Limits line.
10. Mt. Carmel Road
11. Brandon Road

B. Interstate Sign Zone

1. Freestanding or pole signs must be located in C-3 zoning and be 100 feet from the residentially zoned property.
2. Freestanding or pole signs within five hundred (500) feet of the centerline of the median of Interstate 30 shall not exceed seventy-five (75) feet in height and two hundred (200) square feet in size.
3. Freestanding or pole signs within seven hundred fifty (750) feet of the centerline of the median of Interstate 30 shall not exceed fifty (50) feet in height and one hundred fifty (150) square feet in size.

4.03 – Sign Table

Sign Type	Form	Limitations (Where Permitted)	Residential Zoning Districts - R- 1, R-1.S, R-2, R-E, R-M	Residential Zoning District - Multi-Family Development
Address Sign			P	P
Free Standing Signs		Max.1 freestanding sign per frontage.		
	Monument/ Ground-mounted Signs		P Max. 1 sign per frontage external to the subdivions or neighborhood. Max. Size 48 sq. ft., Max. Height 6 ft. Setback: May be placed at the property line, provided it does not extend into the clear view zone or easement.	P Max. 1 sign per frontage external to the multi-family development. Maximum Size and Height: 36 sq. ft. each and 6 ft. tall.
	Pole Signs		X	X
	Changeable Copy (Electronic Message Centers)	*See Section 3.07	X	X
	Shopping Center Directory Signs		X	X
Wall- Attached Signs				
	Facade Signs	Number allowed: No Limit, provided area requirements are met. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs). Other: Allowed on each building elevation for primary/principal buildings.	X	X
	Awning Signs	Number allowed: No Limit, provided area requirements are met. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).	X	X
	Canopy Signs	Number allowed: No Limit, provided area requirements are met. (Area includes wall signs, awning signs, under canopy signs, canopy	X	X

		signs, projecting signs, and window signs).		
	Window Signs	Number allowed: No Limit, provided area requirements are met. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).	X	X
	Projecting Signs (Blade Signs)	Number Allowed: 1 per occupancy. Other: May not project more than 8 ft. from the side of the building. Clearance Requirements: 10 ft. above sidewalk grade and 14 ft. vehicular way grade. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).	X	X
Incidental Sign		Number Allowed: No limit, provided area requirements are met. Maximum Size: 4 sq. ft. per sign, 16 sq. ft. per occupancy.	P	P

Sign Table Cont.

Residential Zoning District - Non-Residential Use	Office and Quiet Commercial District O-1	Low Intensity Commercial District C-1	General Commercial Zoning District C-2	Outdoor Display Commercial District C-3
P	P	P	P	P
P Max. 1 Sign, Maximum Size and Height: 48 sq. ft. and 6 ft. tall, Setback: May be placed at the property line, provided it does not extend into the clear view zone or easement.	P Max Size 64 sq. ft. Max. Height 8 ft.	P Max Size 64 sq. ft. Max. Height 8 ft.	P Max. Size 80 sq. ft. Max. Height 10 ft.	P Max. Size 96 sq. ft. Max. Height 12 ft.
X	X	X	P Maximum Size and Height Aesthetic Corridor: 80 sq. ft. each and 10 ft. tall. All Others: 100 sq. ft. each and 25 ft. tall.	P Maximum Size and Height Aesthetic Corridor: 96 sq. ft. each and 12 ft. tall. All Others: 120 sq. ft. each and 30 ft. tall.
X	X	X	P Electronic Message Centers: establishments may utilize up to 40% of the sign area or 48 sq. ft., whichever is less.	P Electronic Message Centers: establishments may utilize up to 40% of the sign area or 64 sq. ft., whichever is less.
X	X	P Max. 1 per Coordinated Shopping Center. Max Height 35 ft.	P Max. 1 per Coordinated Shopping Center. Max Height 35 ft.	P Max. 1 per Coordinated Shopping Center. Max Height 35 ft.
Max. 1 Sign, Max Area: 1 sq. per 1 linear ft of building frontage on elevation where the sign is installed.				
P	P Max Area: 1 sq. per 1 linear ft of building frontage on elevation where the sign is installed.	P Max Area: 1 sq. per 1 linear ft of building frontage on elevation where the sign is installed.	P Max Area: 2 sq. per 1 linear ft of building frontage on elevation where the sign is installed.	P Max Area: 2 sq. per 1 linear ft of building frontage on elevation where the sign is installed.
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P	P	P	P	P

4.04 – Temporary Sign Table

Sign Type	Form	Limitations (Where Permitted)	Residential Zoning Districts - R-1, R- 1.S, R-2, R-E, R-M	Residential Zoning District - Multi- Family Development	Residential Zoning District - Non-Residential Use	Office and Quiet Commercial District O-1	Low Intensity Commercial District C-1	General Commercial Zoning District C-2	Outdoor Display Commercial District C-3
Temporary Signs									
	Construction Signs	When a building or parcel/lot is under construction or renovation	P Max. 2 per Building or Parcel/Lot, Max. area: 48 sq. ft. each	P Max. 2 per Building or Parcel/Lot, Max. area: 48 sq. ft. each	P Max. 4 per Building or Parcel/Lot, Max. area: 64 sq. ft. each				
	Real-Estate Signs	Number Allowed: 1 per frontage and/or 1 per tenant lease space	P 1 additional sign allowed for no more than 36 hours when the property is open to the public. 6 sq. ft. Max. area, Max Height: 6ft	P 1 additional sign allowed for no more than 36 hours when the property is open to the public. 6 sq. ft. Max. area, Max Height: 6ft	P	P	P	P	P
	Temporary Signs During Election	Display Time Duration: 70 calendar days prior or 7 days following any federal, state, or local election authorized by	P	P	P	P	P	P	P

		the Saline County Election Commission and held in the City of Bryant.							
	Garage, Yard, or Estate Sale Signs	Number Allowed: 1 per frontage. Installation: Ground mounted on a stake or wire frame. Maximum Size and Height: 6 sq. ft. and 4 ft. tall. Time Duration: No more than 48 hours.	P	P	P	P	P	P	P
	A-frame Signs	Number Allowed: 1 per building. Maximum Size and Height: 6 sq. ft. and 3ft. tall. Must maintain a 5 ft. clearance for pedestrians.	X	X	P	P	P	P	P
	General Temporary Signs	Number Allowed: 1 per building or parcel/lot. Maximum Size and Height: 32 sq. ft. and 6 ft. tall. Signs such as banners, pennants, and posters are considered temporary signs.	X	X	P	P	P	P	P

4.05 - Signs in the Airport Industrial District

Signs in the Airport Industrial District are governed by the regulations established specifically for that district.

V. Section Five: Non-Conforming Signs

5.01 - Determination of Legal Nonconformity

A. A nonconforming sign is any permanent sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not comply with the provisions of this sign ordinance as of the date this ordinance is adopted.
B. A nonconforming sign, as defined above, shall be allowed continued use, except that the sign shall not be expanded, moved, or relocated, except in the case of street relocation. A nonconforming sign shall be allowed continued use even if ownership of the property changes.

5.02 - Loss of Legal Nonconforming Status - A legal nonconforming sign shall lose this designation in the following instances:

A. When the sign is intentionally damaged or destroyed or fails to observe the following restrictions in cases of unintentional damage or destruction:
    1. If the sign face is unintentionally damaged or destroyed, the face may be replaced. The sign face supporting structure may be temporarily placed on the ground in order to replace the sign face or service the structure.
    2. 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 not to exceed the size, height or location of the established nonconforming sign.
B. When the size of the sign is altered in any way, except toward compliance with this ordinance, it will lose its legal nonconforming status. 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.
C. When 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:
    1. A remodel of an existing building will not cause the loss of legal non- conformity.
    2. The construction of an additional building on the same property shall not cause the loss of legal non- conformity.
D. When the sign is expanded, moved, or relocated, except in the case of street relocation.

VI. Section Six: Administration and Enforcement

6.01 – Administrative Official

A. All sign permits shall be issued by the Administrative Official or his/ her designee. The Director of Community Development is the Administrative Official for the purposes of this Ordinance.

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

6.02 - Variances

A. A variance for height, location, type, etc. may be requested. No area variance may be requested.

B. 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.

C. The Board of Zoning Adjustment shall review the request to determine if the variance should be granted and may grant or deny the request.

D. If the Board of Zoning Adjustment denies the variance or takes no action on the request within 30 days following the variance request appearing on its agenda, the variance shall be deemed denied. The applicant may then appeal the decision to the City Council. The appeal must be submitted to the Planning Department no less than thirty(30) working days from the date of the Planning Commission' s decision or the deemed denied date whichever may apply. In order to be placed on the City Council agenda, the appeal must be submitted no less than eleven (11) days prior to the City Council meeting. If the decision is appealed but it is within the 11 days prior to the next City Council meeting, it shall be placed on the following month's regularly scheduled City Council meeting agenda.

E. A variance may be granted only when the requirements noted above have been met. The Board of Zoning 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.

F. Fees shall be submitted and paid prior to review of the application. All fees are non-refundable. The fee shall be set in accordance with a schedule of fees adopted by the City Council. If no schedule of fees is adopted, following adoption of these regulations, the fee shall be two hundred fifty dollars ($250).

6.03 – Alternative Signage Plan

A. An alternative signage plan may be used where impractical situations would result from this Ordinance. Alternative locations, size or quantity may be justified due to topography, utility easements, lot configuration or subdivision (particularly with respect to a shopping center), or location and size of pre-existing development. Also, the proposed use or collection of uses may not be captured by the spirit and intent of this Ordinance, justifying an Alternative Signage Plan. Such plans shall require the approval of the Planning Commission.
B. Application shall be made in the same manner as prescribed in §203. The application must additionally include a written letter of justification for the request detailing how the application meets the approval criteria. No application may be accepted without inclusion of a letter of justification.
C. The fee for such applications shall be determined by a fee schedule adopted by the City Council. If no fee schedule is adopted following passage of these regulations, the fee shall be two hundred fifty dollars ($250).
D. At least one of the following conditions shall be met in order for an Alternative Signage Plan to be considered for approval:

    1. The applicant must show that installation of signage per this Ordinance while meeting other site-specific constraints as listed above would put the site in direct violation of other City Ordinances or State or Federal regulations, under any practical site layout configuration.
    2. The use(s) and/or architectural elements proposed for the site (as already approved by the Planning Department) are such that a standard sign plan under this Article would be considered not in keeping with the code and fail to meet the general purpose of the code outlined in this Ordinance.
    3. The sign is at least fifty (50) years old and can be determined to have important historic significance by the Administrative Official as being a historically important place, historically important business or entity, or embodying a design or features of historical importance based upon generally accepted historic preservation professional practice standards.
    4. Approval of the Alternative Signage Plan would result in a preferable outcome to the residents of Bryant in contrast to only advancing the property or economic interests of the applicant.

6.04 - Violations

A. In cases of emergency, the Administrative Official or his/her designee may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.
B. In cases of illegal signs placed in the public right- of-way, or if banners or temporary signs become faded, worn or tattered; or have become detached from the structure designed to

support the signage, the Administrative Official or his designee may cause immediate removal of the sign without notification of the owner of the sign.

6.05 - Removal of Signs by the Administrative Official

A. Signs located within the public right-of-way or which fail to comply with the written orders of removal or repair are subject to removal, the Administrative Official or his designee may order removal of the sign in question. After removal, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrative Official or his designee. Alleged violators shall have sixty (60) days from the date of said notice in which to appeal to the Planning Commission. If the amount specified in the notice is not paid within sixty (60) days of the notice and no appeal to the Planning Commission has been formally lodged, 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

B. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless documented facts to the contrary are brought to the attention of the Administrative Official or his designee, 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.

C. Removed signs shall be stored at a location designated by the sign Administrative Official or his designee pending return to the owner(s). Signs will be stored in such a manner as to minimize damage to them. The sign Administrative Official or his designee will notify the owner of all removal costs and the procedures for retrieving the removed sign(s).

D. Temporary signs located within the street right- of-way will be removed without notice and stored for 30 days pending return to owners.

6.06 - Penalties

A. A violation of this Article shall be deemed a misdemeanor and shall be punishable by fine. Fines for a violation shall not be less than fifty dollars ($50) and no more than two hundred dollars ($200) per day the violation continues.

B. If a second offense occurs within twelve (12) months of the prior offense, the fine shall be no less than one hundred dollars ($100) per day the violation continues.

C. If a third offense and any subsequent offenses occur within twelve (12) months of the second offense, the fine shall be no less two hundred dollars ($200) per day the violation continues.

VII. Section Seven: Conflict, Severability and Effective Date

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

7.02 - 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.

7.03 - Effective Date - This Code shall take effect and be in force upon the passage of this Ordinance.