

ORDINANCE NO. 2004-10

**AN ORDINANCE CREATING AND ESTABLISHING A  
COMPREHENSIVE SYSTEM OF REGULATIONS FOR THE USE  
AND PLACEMENT OF SIGNS WITHIN THE CITY OF CLINTON,  
ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER  
PURPOSES**

**WHEREAS**, The City of Clinton has recently adopted new Ordinances regarding zoning and the subdividing of property within the city; and

**WHEREAS**, the previous provisions dealing with the regulation and placement of signs within the city limits was contained in the former zoning ordinance that has been repealed as the City Council found it would be beneficial to have regulations dealing with signage in an easily identifiable separate ordinance; and,

**WHEREAS**, the Planning Commission has now completed a comprehensive review of the needs for the regulation of signage within the City of Clinton that is in accord with the newly enacted Ordinances for zoning and subdivisions;

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

**ARTICLE 1**

**PURPOSE, AUTHORITY, AND JURISDICTION**

**Section 1-1. Purpose**

This ordinance is enacted to ensure the coordinated, adjusted, and the harmonious placement of signs within all Zoning Districts of the City of Clinton. No sign shall be erected or maintained unless in

compliance with the regulations of this ordinance, except that a nonconforming sign which shall comply with the provisions set forth in Section 3-10 may be maintained, if in existence prior to the adoption of this ordinance.

#### **Section 1-2. Authority**

The authority to enact these regulations is granted by Act 26 of the 1955 Acts of Arkansas, as amended, and Act 186 of the 1957 Acts of Arkansas.

#### **Section 1-3. Jurisdiction**

This ordinance applies to all land within the corporate limits of Clinton, Arkansas, as now or hereafter set, as portrayed on the Official Zoning Map.

### **ARTICLE 2**

#### **DEFINITIONS**

##### **Section 2-1. Definitions**

In the construction of this Ordinance, the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. The interpretations shall be liberally construed.

The following word use shall apply in order to provide clarity of interpretation:

- A. Words used in the present tense shall include the past, the plural and the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.

D. The word "lot" shall include the words "lot" "parcel." The word "building" includes all other structures of every kind regardless of similarity to buildings.

1. Highway Commercial – HC      A District established to serve highway traffic.
2. General Industrial – I      A District established to provide space for manufacturing related activities.
3. Portable Sign      A mobile sign that is mounted on a trailer-type frame or portable wood or metal frame not permanently attached to the ground.
4. Residential Zone – R-1      Primarily single-family, low-density residential.
5. Residential Zone – R-2      R-1, plus medium density residential, to include duplex, rooming and boarding, bed and breakfast, and single family mobile home.
6. Residential Zone – R-3      R-1, R-2, plus mobile/manufactured home park.

## ARTICLE 3

### APPLICATION

#### Section 3-1. General Provisions

The following regulations shall apply to all signs in the City of Clinton, Arkansas.

1. A permit shall be required for the erection, alteration, or reconstruction of any sign intended for the view from the public right-of-way unless otherwise noted, and shall be issued by the Zoning Official in accordance with Section 4-1, subsection 2 of this Ordinance.
2. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated. Any sign that is not maintained and becomes dilapidated must be removed as provided by Section 3-10, subsection 3 of this Ordinance.
3. If the use for which a sign is related ceases operation, the sign must be removed within sixty (60) days.

#### Section 3-2. Prohibited Signs

The following signs are prohibited in the City of Clinton, Arkansas.

1. Signs Imitating Warning Signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse the driver of a vehicle.
2. Signs within Street or Highway Right-of-Way. Except as herein provided, no sign whatsoever, whether temporary or permanent, except traffic signs, signals, and

information signs erected by a public agency, is permitted within any street or highway right-of-way.

3. Certain Attached and Painted Signs. Signs painted on or attached to trees, fence posts, telephone or other utility poles, or signs painted on or attached to rocks or other natural features are prohibited. Signs may be painted on the roofs of buildings, only with approval of Zoning Commission.

### **Section 3-3. Signs For Which a Permit is Not Required**

A permit is not required for the following types of signs in any Zoning District.

1. Traffic, directional, warning, or information signs authorized by any public agency.
2. Official notices issued by any court, public agency, or office.
3. Yard-sale signs, provided they are collected at the end of the last day of the sale. Non-collection will be grounds for citation.
4. One non-illuminated "for sale", "for rent", or "for lease" sign, not exceeding six (6) square feet in area in residential districts, with the exception of property five (5) acres or larger. Residential, five (5) acres and larger, plus all non residential districts may utilize a sign to twenty (20) square feet. Signs shall be located not less than ten (10) feet back from the street right-of-way line, unless attached to the front wall of a building.
5. Entrance, exit and instructional signs, so long as they do not exceed four (4) square feet in area, and are no higher than three feet (3) above adjacent pavement or ground level and contain no advertisement.

6. Identification signs indicating the name and street number or owner or occupant of a parcel so long as such signs do not exceed four (4) square feet of copy area.

7. Bulletin boards, which are defined as permanent signs that primarily display the name of a noncommercial place of public assembly and announce the upcoming events of that organization. In order to not require a permit, such a sign shall not exceed thirty-six (36) square feet of copy area or five (5) feet in height. Signs of this type shall be restricted to one (1) per parcel.

8. Signs identifying projects under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., so long as such signs do not exceed twenty-five (25) square feet in residential districts, or one hundred (100) square feet in non-residential zones, are not illuminated, and are removed within seven (7) days of the completion of the project.

9. Signs attached or integrated into a gasoline pump, automatic bank teller machine, or drive through component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product, or descriptive information about the product.

#### **Section 3-4. Regulations Applied to Specified Types of Signs**

1. Wall Signs. Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

a. Signs on the Front Surface of a Building. The total area of signs on the exterior front surface of a building shall not exceed twenty percent (20%) of the front surface of the building.

b. Signs on the Side and Rear Surface of a Building. The total area of signs on a side or rear

surface of a building shall not exceed twenty-five percent (25%) of the exterior side or rear surface.

c. Combined Sign Area. The combined sign area on the front, side, and rear surface of a building must not exceed the total sign area permitted within the Zoning District in which the sign or signs are to be located.

d. Projecting Signs. Wall signs attached flat against a wall may extend not more than twenty-four (24) inches passed the end of the wall. Signs projecting from a wall may extend outward from the wall not more than six and one-half (6-1/2) feet and may be located not closer than eighteen (18) inches to a vertical plane at the street curb line. A projecting sign shall not extend above the roof line a distance greater than the height of the roof above the ground level. In no case shall signs project beyond property lines.

2. Signs for Projects under Construction: See Section 8-3, subsection 7 above.

3. Subdivision Entrance Signs. One (1) or two (2) signs shall be permitted at each entrance of a residential subdivision, provided that such signs do not exceed a total of one hundred twenty (120) square feet of copy area at any subdivision entrance; provided further that such signs shall have a maximum height of six (6) feet. If illuminated, only indirect lighting shall be permitted. If such subdivision entrance sign is built into a decorative wall or fence, the maximum copy area and setback requirements shall comply with regulations for fences contained herein.

4. Private Directional Signs. Signs indicating the location and direction of premises available for sale or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the

owner, developer, builder, or agency, may be erected and maintained, provided:

- a. the size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length;
- b. no more than one (1) such sign is erected for each five hundred (500) feet of street frontage.

5. Free-Standing Signs. Free-standing signs shall meet Building Code structural provisions and UL (Underwriter's Laboratories) electrical requirements.

6. Portable Signs.

- a. Usage of portable signs shall conform to permitting requirements in Section 3-1, prohibited sign requirements in Section 3-2, and number of signs permitted stipulations, Section 3-8, subsections 1, b & c, of this ordinance, except as provided below.
- b. If a portable sign is to be illuminated, it shall be in compliance of all Arkansas Fire Prevention Codes and UL Regulations. Any electrical wiring, utilized for illumination extended from a building to a portable sign, shall be encased in a solid conduit pipe and shall be buried underground or beneath pavement. Utilization of an above ground electric extension cord is expressly prohibited.
- c. All portable signs in use at the time this ordinance passes, with one exception, must be removed or made to conform with this ordinance within 6 (six) months from the time of passage. The one exception, above ground power cords must be corrected immediately.



## 7. Political Campaign Signs.

a. Political campaign signs shall be permitted in any zoning district. Such signs shall not count in calculations for the number of signs permitted or calculations of sign area permitted included in Section 3-8, subsection 1,b of this ordinance. Such signs shall conform with all other provisions of this and all other applicable ordinances of the City of Clinton. Specifically, no political or campaign may be erected within the right of way of any road or street or upon any easement owned by the City of Clinton. No such sign be placed in such a manner that it obscures, or interferes with, the ability of a driver of any motor vehicle to see other traffic, road signs or markings, traffic signals or signs or pedestrians on sidewalks or in cross walks.

### **Section 3-5. Sign Illumination**

Illumination devices shall be so placed and shielded so that rays therefrom or from the signs itself will not be directly cast into any residential dwelling unit, or in the eyes of a vehicle driver. All illumination devices and wiring shall be installed in a permanent and safe manner.

### **Section 3-6. Height Limitations**

No sign shall exceed thirty (30) feet in height unless approved by the Zoning Commission. The maximum height for any sign, with Commission approval will be sixty (60) feet.

### **Section 3-7. Signs permitted in Residential Districts**

1. Permitted Signs and Conditions. The following types of signs are permitted in R-1 and R-2 zones:

a. Signs for which permits are not required.

b. Permitted Use and Conditional use structures allowed by zoning ordinance or approved by the Zoning Commission in compliance with the current Zoning Ordinance that traditionally require a sign or bulletin board. The single sign or bulletin board shall not exceed sixty (60) square feet in area and be non-illuminated. Such sign or bulletin board shall be set back not less than ten (10) feet from any street right-of-way line.

c. Home occupations within residential districts are limited to a sign not in excess of four (4) square feet attached to the structure.

d. Subdivision signs and private directional signs, under the provisions of Section 3-4, subsection 3 and 4.

e. Political campaign signs, in accordance with Section 3-4, subsection 7.

### **Section 3-8. Signs Permitted in Commercial and Industrial Districts**

1. Permitted Signs and Conditions. The following types of signs are permitted in HC and I Districts:

a. All signs permitted in residential district are permitted in commercial and manufacturing districts.

b. A maximum of one (1) free-standing pylon, pole mounted, ground based, monument-type, or portable sign of the class required to secure a permit shall be permitted for each three hundred (300) feet of road frontage per lot, except that one (1) such sign shall be permitted if road frontage is less than three hundred (300) feet. The maximum allowable sign copy area for all free standing signs shall be one hundred fifty (150) square feet multiplied by the number of signs permitted. No sign shall be located closer than ten (10) feet to any public road right-of-way or property line.

c. On any lot fronting on a state or federal highway in a HC, or I district on which no business enterprise is located, one off premise, free-standing sign structure having a total sign area not to exceed three hundred (300) square feet is permitted. Additional sign structures, each of which is not to exceed three hundred (300) square feet in sign area, are permitted provided they are spaced not closer than five hundred (500) linear feet from any other sign structure of greater than one hundred fifty square feet. Any off-premise sign of greater than one hundred fifty (150) square feet shall be required to be spaced a minimum of three hundred (300) feet from any residentially zoned parcel.

d. Signs in any commercial or manufacturing district may be illuminated so long as the illumination does not interfere with the vision of vehicle drivers.

### **Section 3-9. Signs Permitted in R-3 Districts**

Permitted Signs and Conditions. The following types of signs are permitted in R-3 Districts:

a. One (1) non-illuminated professional or business name plate not exceeding four (4) square feet in area mounted flat against the wall of a building in which there is conducted a permitted home occupation.

b. Any sign or signs, illuminated or non-illuminated, not to exceed a combined total sign area of three hundred (300) square feet per mobile home park.

### **Section 3-10. Nonconforming Uses**

1. Signs in use prior to the adoption of this Ordinance that do not comply with this Ordinance will be classified as a nonconforming use. These signs may remain in use until they become dilapidated, or are moved.

2. Once a nonconforming sign has been moved, it may not be placed back on the property until it becomes a conforming use.
3. If a nonconforming sign becomes dilapidated, it must be removed within sixty (60) day from legal notification from the Zoning Official.

## **ARTICLE 4**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 4-1. Administration**

1. The provisions of this ordinance shall be administered and enforced by the Zoning Official. He may be provided with the assistance of such other persons as the City Council may direct.
2. A permit shall be required for the erection, alteration, or reconstruction of any sign intended for view from the public right-of-way (unless otherwise noted).
3. Permits may be obtained from the Zoning Department. The fees will be listed on the City of Clinton, Zoning Department Fee Schedule.

#### **Section 4-2. Enforcement**

The Zoning Official may order the removal of any sign that is not in accordance with the provisions of this Ordinance. Such removal shall be at the expense of the property owner or lessee.

**Section 5-1. Emergency Clause**

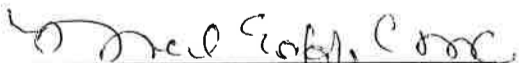
The efficient and harmonious application of all laws relating to land use within the City of Clinton is essential to both the public welfare and to the equal application of the law to all persons wishing to develop property within the city, therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of approval.

PASSED: May 13, 2004.

APPROVED:

  
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Chip Ellis, Mayor

ATTEST:

  
\_\_\_\_\_  
Merl Eoff, City Clerk

APPROVED AS TO LEGAL FORM:

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Brad A. Cazort, City Attorney