



CITY OF CONWAY, ARKANSAS PLANNING COMMISSION

July 18, 2022 • 6:30pm • 1111 Main Street

Planning Commission meeting procedures (per by-laws adopted July 19, 1993; amended September 20, 2021)

**Subdivision Review items are included for consideration as administrative reviews to determine compliance with the Conway Subdivision Ordinance, Zoning Code, and applicable plans. Such items are not conducted as public hearings.*

***Order and conduct for public hearings: Following the announcement of the item by the Chair, Planning Staff will present the report findings. Following Staff presentation the Applicant is granted up to 10 minutes for additional presentation with subsequent favorable public comments limited to 3 minutes per person. If opposed parties are present the initial speaker is then granted up to 10 minutes with each subsequent public comment limited to 3 minutes per person. No person shall address the Planning Commission without first being recognized by the Chair and stating his/her name and address for the public record. All questions/remarks shall be made from the podium and addressed through the Chair to the Commission as a whole. Any group with common interest shall select a speaker to address the Commission on behalf of the group; repetitive comments will be limited.*



City of Conway

PLANNING COMMISSION

July 18, 2022

PLANNING COMMISSION

Rhea Williams, Chair
Rebekah Fincher, Vice-Chair
Laura King, Secretary
Alexander Baney
Adam Bell
Latisha Sanders-Jones
Ethan Reed
Drew Spurgers
Larry Webb
Greg West

The Conway Planning Commission makes recommendations to the City Council on public hearing items. Items reviewed on this agenda will be considered by the City Council as early as **July 26, 2022**.

Items not approved by the Planning Commission may be appealed to the City Council within 30 days of the date of Planning Commission denial, with exception of decisions made by the Planning Commission acting as the Board of Zoning Adjustment.

Call to Order and Roll Call.

Finding of a Quorum.

Approval of Minutes. June 21, 2022

I. Subdivision Review*

A. Request for preliminary plat approval of The Estates PUD, Phase 1 (SUB-0622-0280)

II. Development Review Appeal

A. Appeal of Development Review administrative denial to allow the use of metal as the primary sheathing in excess of 20% for new Total Tire location at 3640 Dave Ward Drive in accordance with §1101.7.C.3 of the Conway Zoning Code (SDR-1221-0161)

III. Public Hearings**

A. Consideration to amend §601 of the Conway Zoning Code to adopt tree planting requirements for single-family and two-family development

B. Consideration to amend §1301 of the Conway Zoning Code, the Conway Sign Code

Adjournment

Request for Preliminary Plat Approval: The Estates PUD, Phase 1

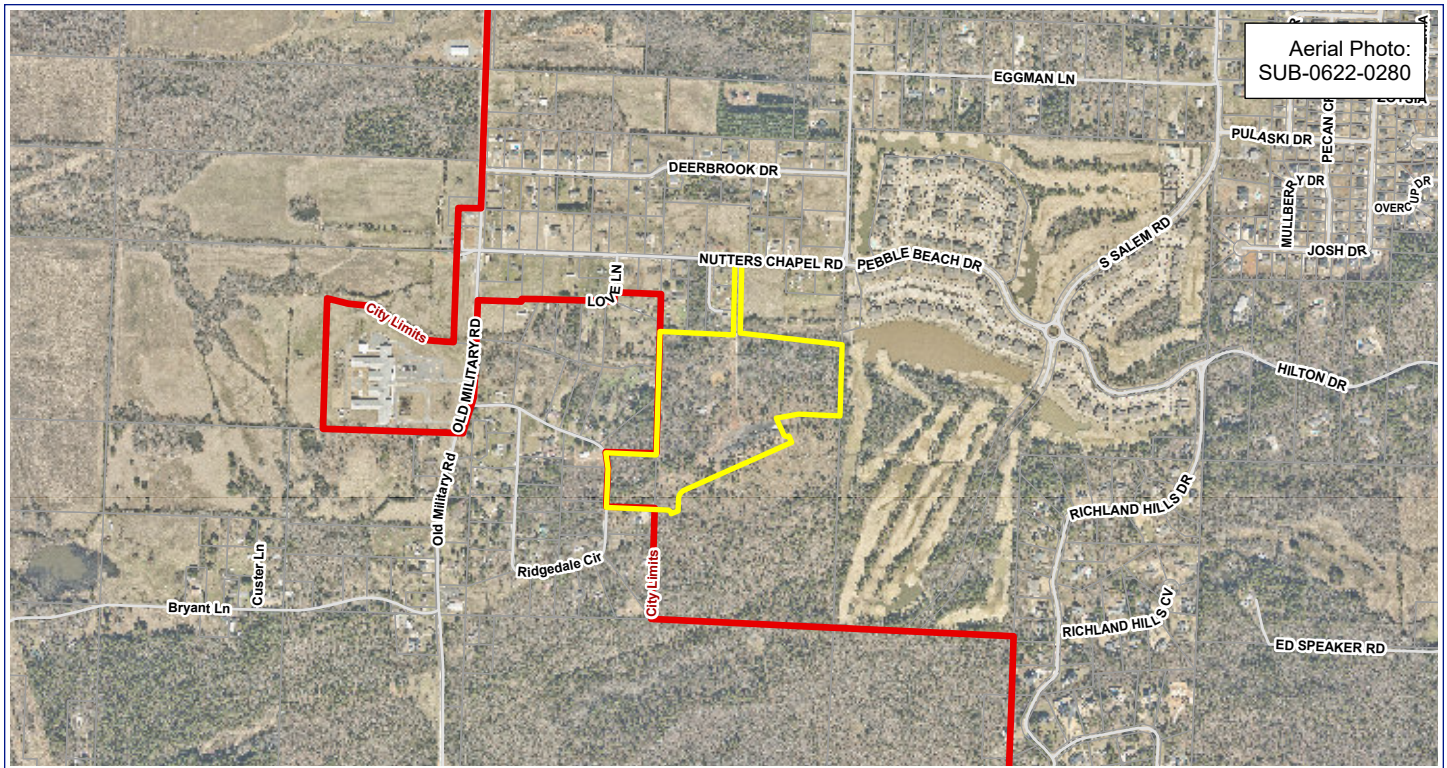
29.13 acres south of Nutters Chapel Road, east of Ridgedale Circle

APPLICANT/AUTHORIZED AGENT

The Tyler Group
240 Skyline Dr, Ste 3000
Conway, AR 72032

OWNER

Files Development, LLC
45 River Estates Cv
Little Rock, AR 72223



SITE DATA

Location. Approximately 800 feet southwest of the intersection of Nutters Chapel Rd and Pebble Beach Dr.

Site Area. 29.13 acres±.

Current Zoning. Planned Unit Development (PUD).

Comprehensive Plan. Single-family.

Master Street Plan. Nutters Chapel Rd (Minor Arterial); Pebble Beach Dr (Minor Arterial); Ridgedale Cir (Local Residential).

Existing Structures. One single-family residence.

Overlay. None.

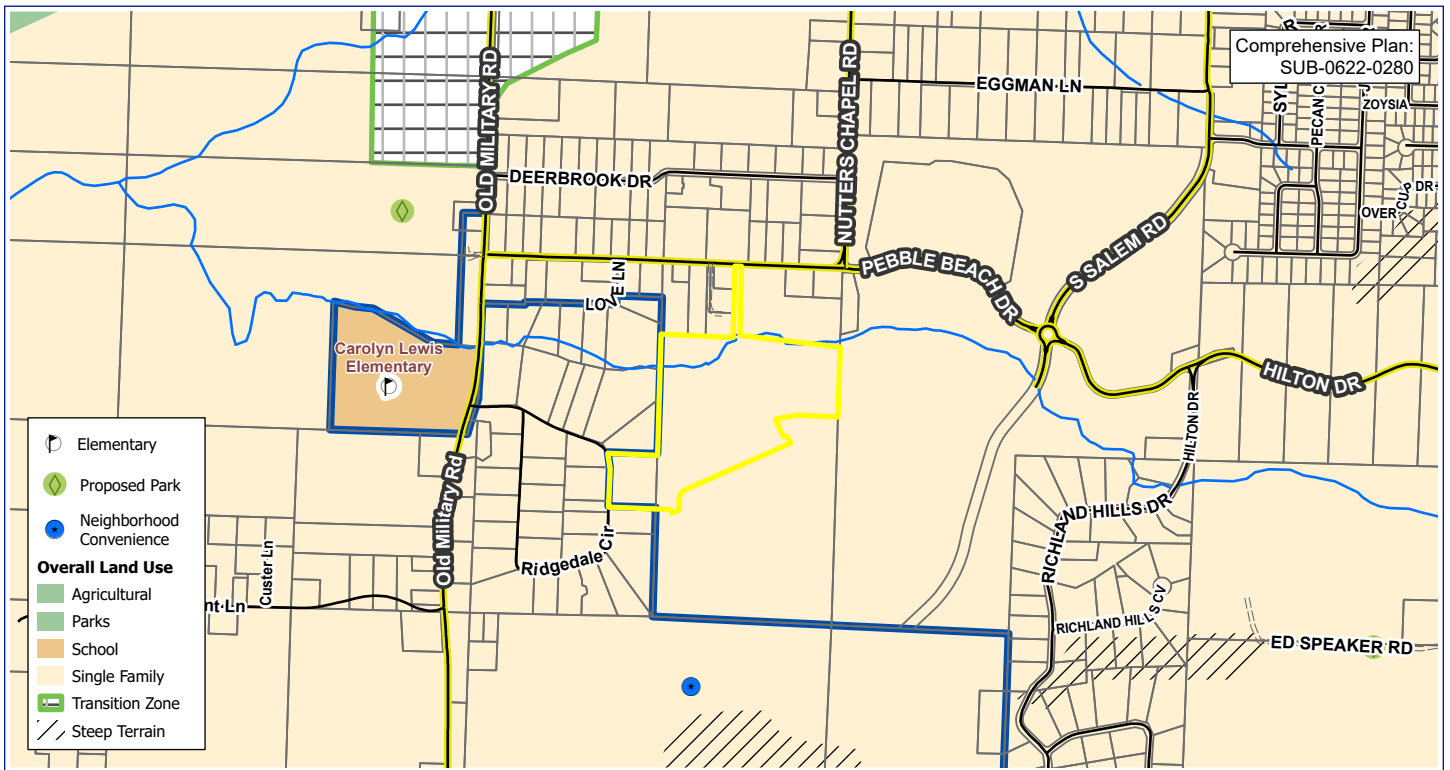
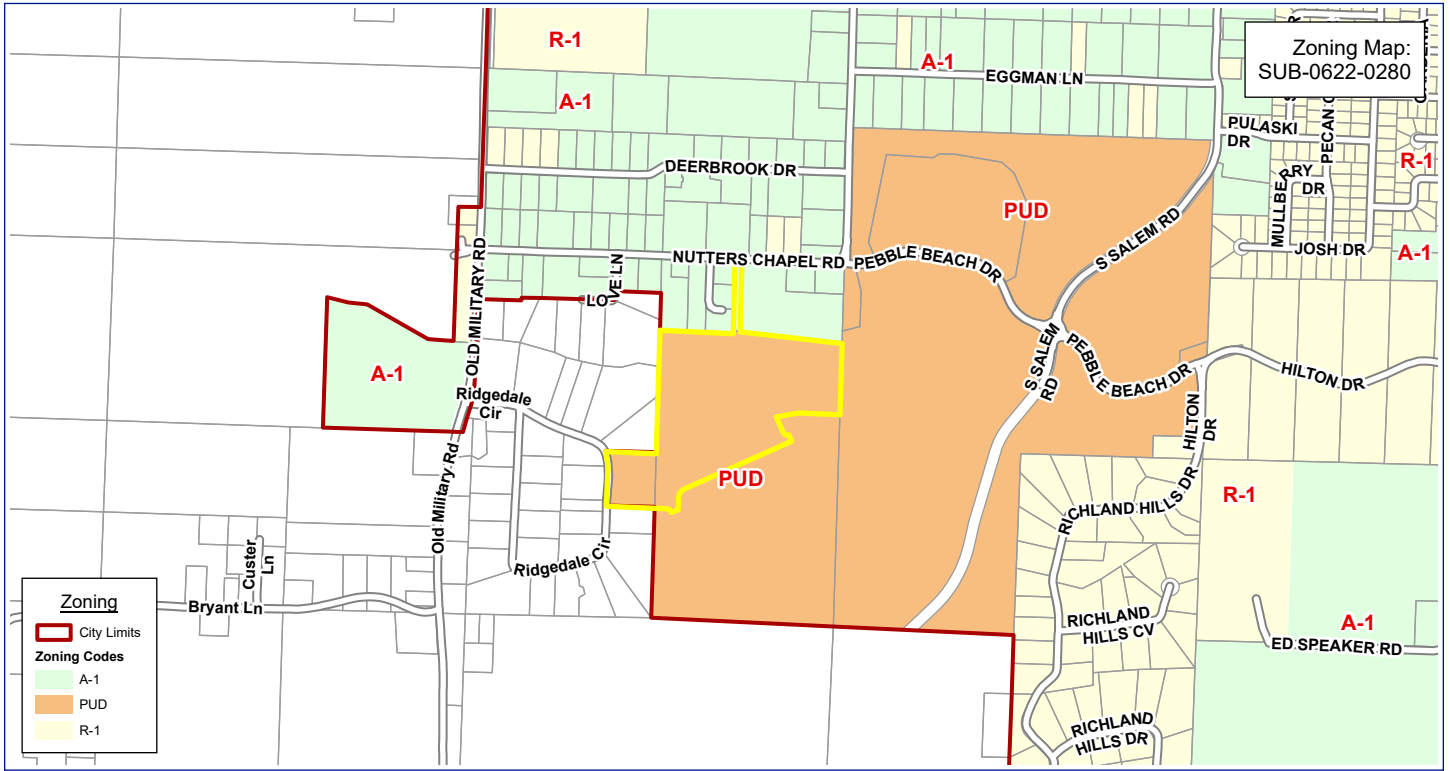
REQUEST

The applicant is requesting preliminary approval of a 51-lot subdivision located approximately 800 feet southwest of the intersection of Nutters Chapel Rd and Pebble Beach Dr. The development represents phase 1 of The Estates Subdivision. The property is currently zoned as a Planned Unit Development. The subdivision proposes access via a new street from Nutters Chapel Rd and through a second new street to be constructed from the subdivision to the west along Ridgedale Cir. A series of internal streets is proposed to provide access to the majority of the lots. All proposed streets will require 5-foot sidewalks with a 6.5 foot green space.

Request for Preliminary Plat Approval: The Estates PUD, Phase 1

29.13 acres south of Nutters Chapel Road, east of Ridgedale Circle

I.A



Request for Preliminary Plat Approval: The Estates PUD, Phase 1

I.A

29.13 acres south of Nutters Chapel Road, east of Ridgedale Circle

Waivers Requested; Planning Commission action is required for the following:

1. Creation of double frontage lots. (Article IV: Sec. 5(F)(7))

STAFF RECOMMENDATIONS

Planning Staff recommends approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval.

The following lists the items that are reviewed by the Conway Planning Department for the changes and/or additions as required by the applicable provisions of the Conway Subdivision Ordinance.

CORRECTIONS NEEDED ON THE PLAT

1. Show location of all fire hydrants.
2. Show location of sidewalks with proper connectivity.
3. Show delineation of private/public streets and include note indicating that street and other improvements will be owned and maintained by Conway Municipal Improvement District No.15.
4. Provide all lot dimensions.
5. Correct zoning with note stating all streets to be privately maintained.
6. Street names shall be proposed and availability confirmed with GIS Manager.
7. Show dedicated right-of-way along Ridgedale Cir.
8. Additional corrections as noted on Preliminary Plat.

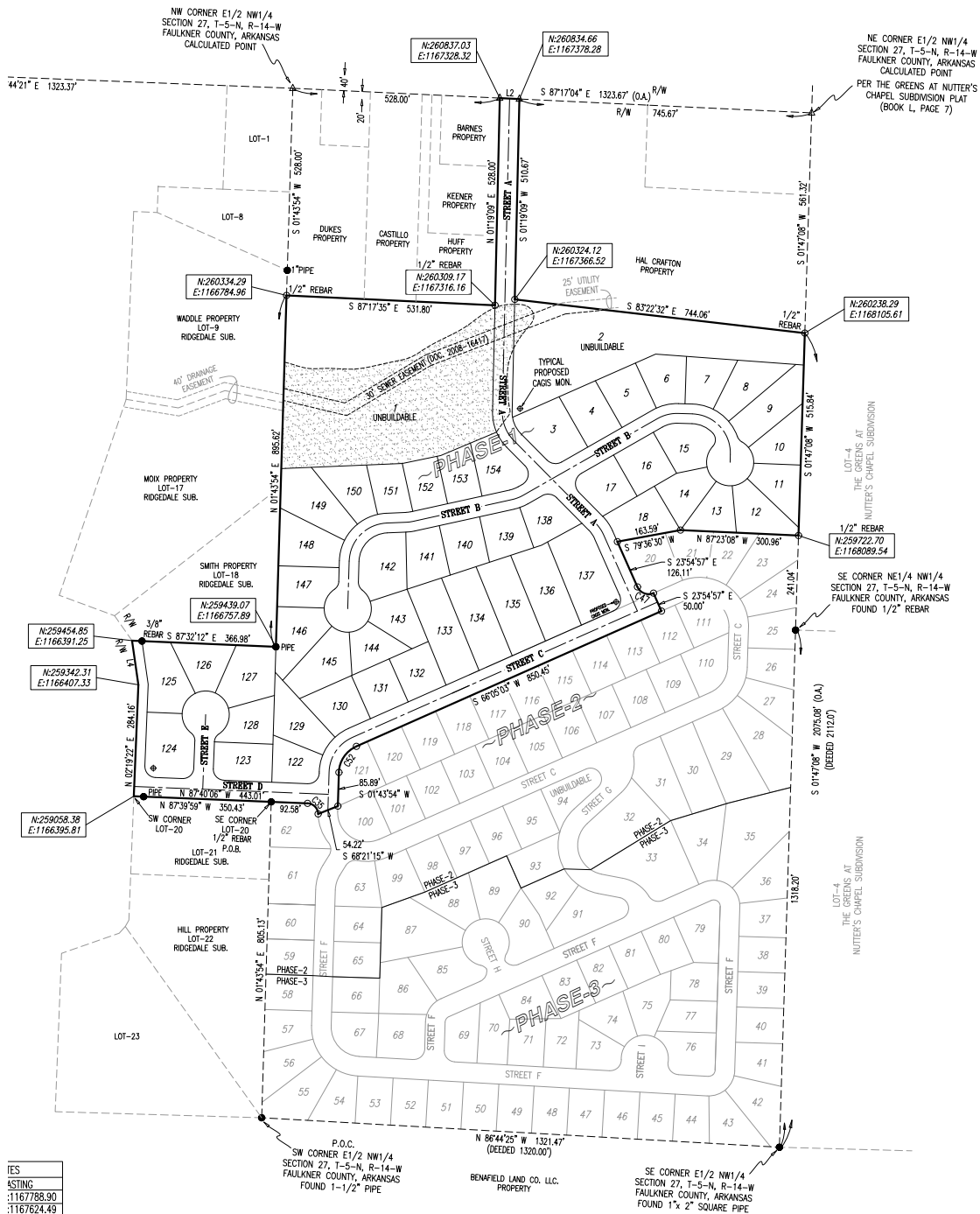
CONDITIONS

9. Preliminary Plat approval from all reviewing agencies shall be obtained.
10. Wheelchair ramps shall be provided by the developer in accordance with the City of Conway's Standard Details.
11. No property abutting Street A can be denied access to the same.
12. Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is not more than 600 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
13. Utility easements as required by Conway Corporation are needed.
14. Drainage easements as required by the City Engineer are needed.
15. All other applicable provisions of the City of Conway Subdivision Ordinance (O-00-03) shall be satisfied and accounted for prior to Preliminary Plat approval.
16. Receipt of an approved copy of the Preliminary Plat along with approved Street and Drainage Plans shall constitute authorization of the Planning Commission for the developer to proceed with the preparation of the Final Plat.

THE ESTATES PHASE 1

LYING IN THE E1/2 NW1/4, SECTION 27, T-5-N, R-14-W
FAULKNER COUNTY, ARKANSAS

PRELIMINARY PLAT



Request for Preliminary Plat Approval: The Estates PUD, Phase 1

29.13 acres south of Nutters Chapel Road, east of Ridgedale Circle

I.A



View of subject property from Nutters Chapel Rd looking S



View of subject property from access road looking S



Property adjacent to the NE



Property adjacent to the NW



View of subject property from Ridgedale Cir looking SE



View of subject property from Ridgedale Cir looking E

Development Review Denial Appeal: Type and amount of metal sheathing proposed

II.A

3640 Dave Ward Drive

APPLICANT/AUTHORIZED AGENTS

Monty Moix
HTW Architects, Engineers, & Planners
27 Fortune Ln
Conway, AR 72032

Justin Magie
Magie Engineering and Land Development
915 Oak St, Ste 102
Conway, AR 72032

OWNER

Tim Schichtl
1330 E Oak St
Conway, AR 72032



SITE DATA

Location. 3640 Dave Ward Dr; located east of Advance Auto Parts.

Site Area. 1.09 acres±.

Current Zoning. C-3 (Highway Service and Open Display District).

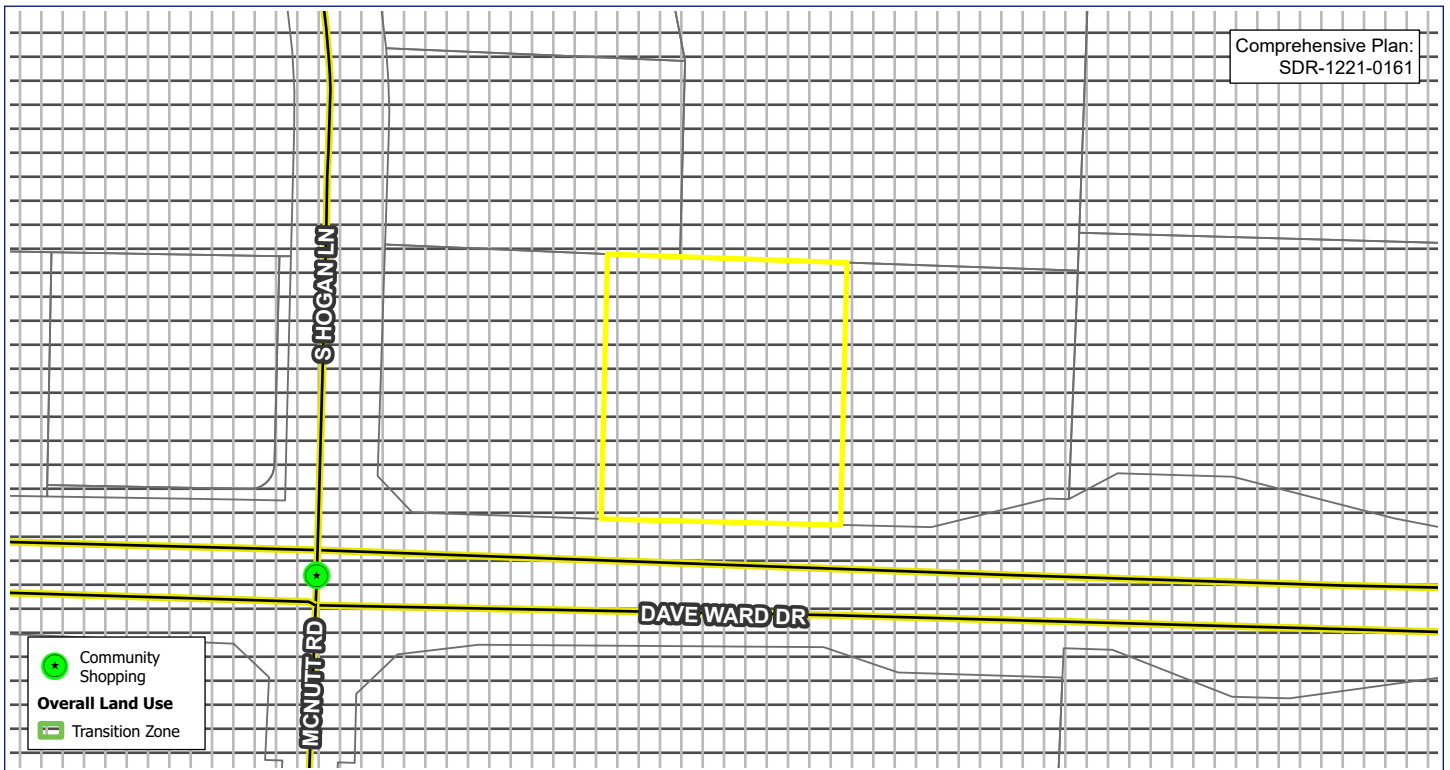
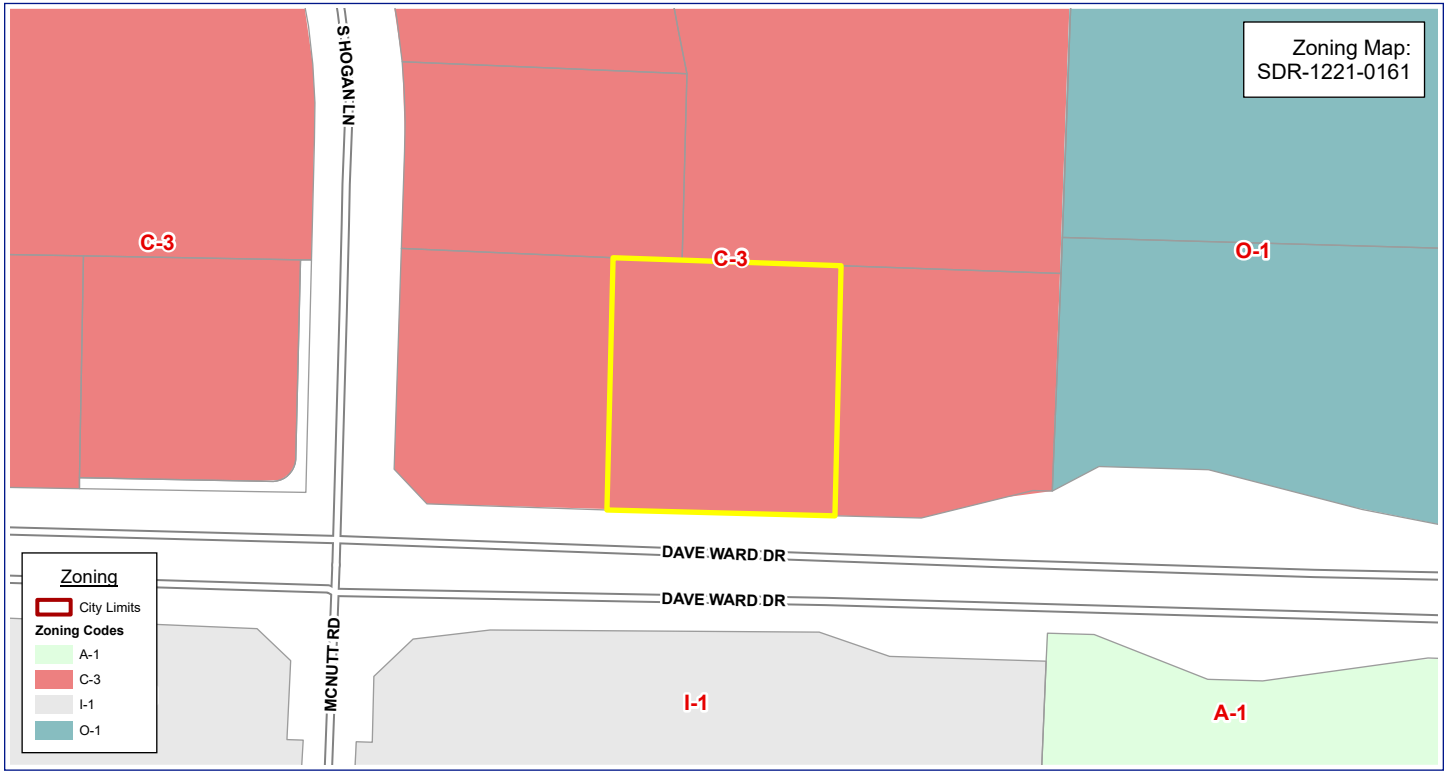
Existing Structures. None.

Overlay. Dave Ward Drive Access Management Plan.

REQUEST

The applicant has submitted a site development plan proposing the use of materials that are inconsistent with the standard city design requirements. These include use of architectural metal and CMU veneer in excess of what is permitted. The application was denied by staff because it did not meet the standards of the code. This request is limited to denial of the building design only.

3640 Dave Ward Drive





STAFF COMMENTS

Staff issued comments to the applicant pertaining to the required building standards, based on the following code provisions:

- *Section 1101.7(C)(3)(a)(i) of the Zoning Code states, Metal siding, when used as the primary sheathing of the I, is prohibited when visible from the public realm or residential areas. **Other forms of metal, when used as an architectural treatment or aesthetic accent, may cover up to twenty percent (20%) of any façade.** Architectural metal percentages may be increased beyond 20% if the material is shown to be durable, aesthetically pleasing, and a cost equivalent substitute for masonry materials.*
- *Section 1101.7(C)(3)(a)(ii) of the Zoning Code states, Masonry shall occupy no less than 51% of any façade of any structure. Brick or brick-like units should be the dominant masonry material. Split face block or other textured concrete CMU block should be used as a base or façade accent. **Split face and textured block is limited to no more than 25% of a wall face area.** Durable fiber cement board, cast concrete, poured concrete, stone, and cultured stone materials are acceptable masonry materials.*

Based on the code requirements, the application does not comply in the following ways:

1. Primary elevation: More than 20% of the front elevation consists of architectural metal paneling. More than 25% of the wall area consists of split face CMU veneer.
2. East elevation: More than 20% of the elevation consists of architectural metal paneling. More than 25% of the wall area consists of split face CMU veneer.
3. West elevation: More than 25% of the wall area consists of split face CMU veneer.
4. Rear elevation: The elevation consists solely of metal paneling and does not meet the 51% masonry requirement.

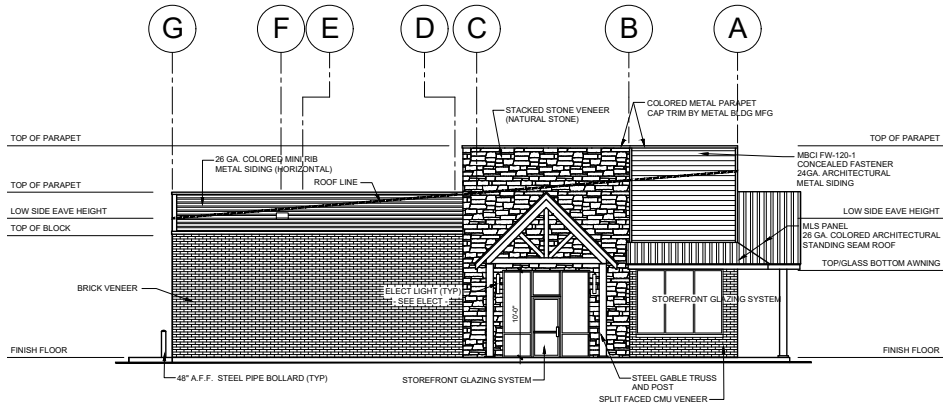
An appeal may be granted when the following apply:

1. The design principles and architectural integrity of the neighborhood is not diminished or substantially changed based on the proposed development.
2. The proposed development is in general conformity with the general theme of styles present in the neighborhood.
3. The neighborhood is deemed to be transitory in nature, thereby becoming one in which the proposed design or architectural style, if reasonably believed to be replicated within the neighborhood, may lead to a subsequent predominant style.

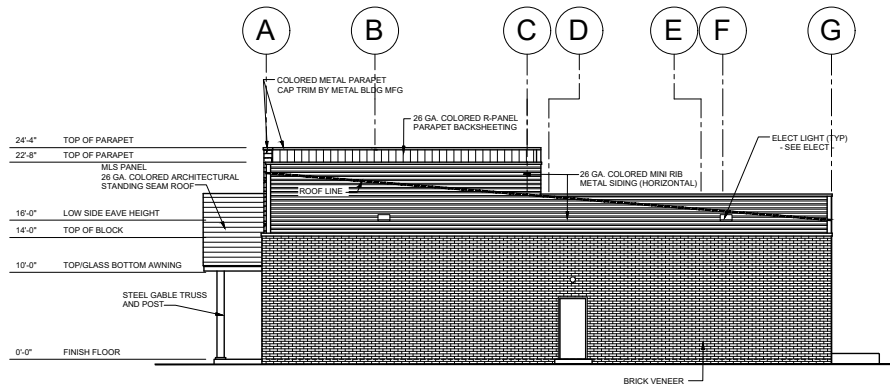
The area consists of a variety of development some which complies with the design standards and some of which does not. The most recently approved project in the area Waffle House, fully complies with the standards. Most development in the area predates adoption of the design standards, with exclusion of Mega Storage (partially complies), Waffle House (complies), O'Reilly's (partially complies), Zaxby's (does not comply), Conway Storage (complies).

STAFF RECOMMENDATIONS

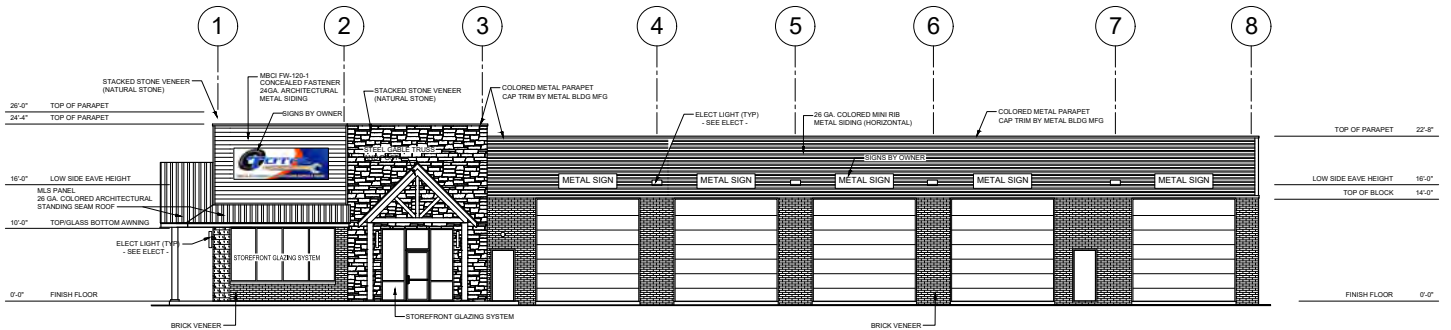
Planning Staff offers no recommendation for the appeal.



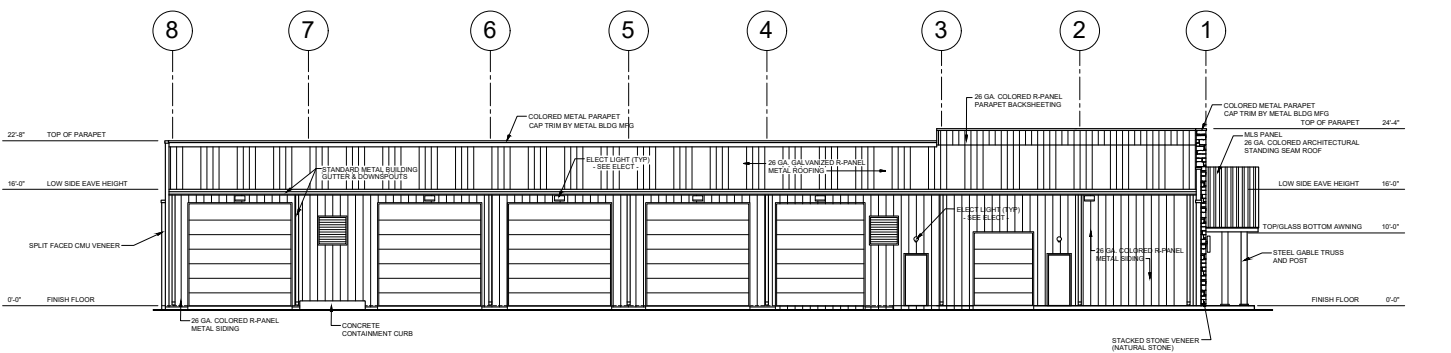
2 BUILDING WEST ELEVATION
1/8" = 1'-0"



3 BUILDING EAST ELEVATION
1/8" = 1'-0"



1 BUILDING SOUTH ELEVATION
1/8" = 1'-0"



4 BUILDING NORTH ELEVATION
1/8" = 1'-0"

3640 Dave Ward Drive



View of subject property from Dave Ward Dr looking NW



View of subject property from Advanced Auto Parts' parking looking E



Property adjacent to the W



Property adjacent to the N



Property adjacent to the S

Special Provisions

The following zoning code amendment comes as a result of a special task force consisting of tree board members, Councilmember Mehl, Hal Crafton, Jim Rankin, Bobby French, and Alexander Baney. The role of the task force has been to develop recommendations to address issues of related tree preservation and tree loss in the development process. The proposal below is the first recommendation of the special task force with additional recommendations to follow in the coming months. The effect of this proposal is to require tree planting for all new single-family and duplex homes in an effort to mitigate tree loss that occurs during the development process.

SECTION 601.30 - TREE PLANTING FOR SINGLE-FAMILY AND TWO-FAMILY/DUPLEX DWELLINGS

The planting of at least one (1) tree with a minimum 1.5" diameter at breast height shall be required for all new construction of single-family and two-family/duplex dwellings. The tree shall be planted before the final Certificate of Occupancy for any single-family or two-family/duplex dwelling is issued. It shall be the responsibility of the Building Permits and Inspections Department to verify tree planting requirements are met prior to the release of a Certificate of Occupancy for any new single-family or two-family/duplex construction.

Sign Ordinance

The sign code rewrite process was undertaken by staff with assistance of a consultant to address various issues within the current sign code. Most notably, the code was redrafted to achieve compliance with the Reed v. Town of Gilbert SCOTUS case regarding content neutrality for temporary signage. The work was handled in conjunction with a small task force including the Mayor's office, City Attorney's office, and Councilmember Grimes. Additionally, the Planning Commission was represented by Brandon Ruhl before he rolled off the commission.

Depending on action at the meeting the following may happen:

1. The amendment may be adopted by the Planning Commission to be passed on to the City Council for consideration of adoption.
2. The public hearing may be continued to allow for additional comments/revisions to the draft.

The following outlines major changes between the existing sign ordinance and draft sign code:

1301 - Purpose and Scope. This section establishes the reasons that the regulations are passed, laying out the arguments for the regulation's necessity.

This section has been tightened up with a stronger purpose and goals to establish the reasoning for the regulations. This is done in part to provide a stronger legal basis for the regulations if challenged in court.

1302 - General Provisions and Standards. This section is intended to provide the processes of permitting and standards which are generally applicable regardless of zoning district.

- A. *Billboards have changed from being capped at a maximum number within the city to a ban of any new billboards.*
- B. *String lights around windows such as for vape shops have been added as prohibited.*
- C. *Roof signs, excluding mansard roof signs, are changed to being prohibited city-wide. Currently, allowed downtown.*
- D. *Application process has been revised. This includes a review shot clock where one did not previously exist. This is to ensure pocket veto of sign permits does not occur to defend against Prior Restraint challenges of the regulations. Information requirements for permits have also been enhanced to better allow determination of compliance.*
- E. *Fees are set to be governed by a fee schedule adopted by the City Council. If no fee schedule is adopted, the fee is set to increase annually by \$1.*
- F. *Banner permits have been converted to a general temporary sign permit. Temporary sign permits are set to be valid for 6 months given such signs are not typically durable.*
- G. *Inspection requirements on footings and electrical work has been clarified to ensure work is inspected by city's Building Inspector to ensure safe installation.*
- H. *Policies regarding message, especially for temporary signage, have been revised to be compliant Reed v. Gilbert and Austin v. Reagan.*
- I. *Construction standards have been enhanced to ensure better quality signage that is more durable and does not interfere with the provision of utilities. This includes a prohibition on placing signs in easements to align with other regulations on the treatment of easements.*
- J. *Sign design and landscaping standards have been added to improve aesthetic quality.*
- K. *Enhanced maintenance standards have been added to better address abandoned or dilapidated signage. Abandoned signs have been redefined and will be required to be removed completely.*
- L. *Standards regarding sight triangles have been enhanced for safety.*

1303 – Sign Allowances by Type and Zoning District. This section dictates the types and locations of signage allowed by ordinance.

- A. *Various forms of signage that are not permanent in nature have been grouped together as a general category of temporary signs. Different types of temporary signage are allowed based on conditions on the site as differentiated from current regulations that delineate allowances for political signs, real estate signs, etc.*
- B. *The process for dealing with signage in PUDs and specific plan areas has been clarified to allow an applicant to petition to have the development treated as another zone classification if signage is not addressed as part of PUD or specific plan approval.*
- C. *Increased the size allowance for freestanding signs on developments between 5 ac. and 20 ac.*
- D. *Provided allowance for large signs for regional scale developments over 25 ac.*
- E. *Eliminated the limitation on the number of allowed wall signs in lieu of allowing any number as long they cover no more than 10% of the façade wall (inclusive of window signs).*
- F. *Provided allowance for wall signs on all façade walls, not just those with street frontage.*
- G. *The Interstate Sign Zone has been eliminated and created an allowance for Alternative Sign Plans to accommodate for the elimination of the Interstate Sign Zone to allow for a slow, orderly transition to smaller scale signage given modern use of GPS.*
- H. *Provided an allowance for murals with commercial messages.*
- I. *Provided an approval process for murals.*
- J. *Provided an allowance for approval of sign permits for historic signs such as the “Kordsmeier Furniture Sign” downtown.*

1304 – Nonconforming Signs. This section deals with the grandfathering or regulation of signs which do not conform to current regulations.

- A. *Clarified the application of legally nonconforming provisions for temporary signage.*
- B. *Formalized current practice of allowing nonconforming signs to be changed if reduced in height and size to be 75% of current height or size.*

1305 -1307 – Administration and Enforcement, Repeal, Definitions. This section lays out the violation processes, variance procedures, and administration of the regulations.

- A. *Variance procedures have been aligned to state law requirements.*
- B. *The violation process has been changed to speed up the process for resolving sign violations.*
- C. *Liability for sign violations has been clarified to apply to anyone having express or implied authority over a sign, including property owner or sign installer.*
- D. *Penalty amounts have been increased for successive violations.*
- E. *Recommend further clarifying at what level of “maintenance” of a permit is required. This is typically listed as structural or electrical changes in most ordinances but should be clarified.*
- F. *Various definitions have been updated to align with code changes and case law.*

APPENDIX

The following items, which do not require public hearings or Planning Commission action, have been reviewed and approved by the Director of Planning & Development and are being reported to the Planning Commission as required by the Zoning Code and Subdivision Ordinance.

Development Review Approvals

- Genesis Dealership, 1075 Collier Dr (SDR-0422-0242)
- Crain Hyundai Body Shop Addition, 1003 Museum Rd (SDR-0422-0243)
- Church at Meadowlake Accessory Structure, 2105 Meadowlake Rd (SDR-0622-0281)

Plats filed for record (Lot Splits, Lot Mergers, and Final Plats)

- Bell Valley Subdivision, Phase 3 (P2022-00037)
- McNulty Replat (P2022-00038)
- Keathley Estates (P2022-00039)
- Replat of Lot 1 Second Baptist Replat & Lot 20, Block 3 Harkrider Addition (P2022-00042)

CONWAY SIGN CODE

CITY OF CONWAY

SECTION 1301 OF CONWAY ZONING CODE

DRAFT

Original Adoption: O-06-134
Last Amended: O-21-108

ARTICLE 13. SIGNS

SECTION 1301 – PURPOSE AND SCOPE

1301.1 – INTENT, SCOPE, AND APPLICABILITY

The scope of this Article 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 Conway including the: Markham Street Neighborhood Specific Plan, Old Conway Design Overlay District, and any and all design standards and guidelines established and enforced by the Conway Historic District Commission. In the event of a conflict between these regulations and others, the most stringent regulations shall apply.

1301.2 – 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 Conway, 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 negatively affect the city's tourism industry;
7. Do not create or worsen visual clutter or visual blight;
8. Do not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
9. Do not obstruct views of users of adjacent buildings to side yards, front yards, or to open space;
10. Are compatible with the fabric of existing neighborhoods and do not impose a foreign or inharmonious element to an existing skyline;
11. 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;
12. Protect and preserve a quality landscape in the city; and
13. Otherwise enhance the appearance and economy of the city.

1301.3 - AUTHORITY

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

SECTION 1302 – GENERAL PROVISIONS AND STANDARDS

1302.1 – GENERAL

It shall be illegal for a person or entity to install, place, modify, move, or maintain a sign within the area under the jurisdiction of the Conway Zoning Code except in accordance with the regulations of this Article. 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.

1302.2 – SIGNS PROHIBITED

The following types of signs are prohibited in all districts, except as may be explicitly permitted by this Article:

- A. Abandoned signs, see § 1302.6.F.
- B. Pylon or single pole freestanding signs.
- C. Festoons.
- D. Signs imitating or resembling official traffic or government signs or signals which may cause confusion or danger to the public.
- E. Signs painted on or attached to fences, railings, roofs, fire escapes, trees, utility poles, streetlights, benches, or government and official signs.
- F. Non-official or non-government signs placed on public property or within a public right-of-way without written consent of the governmental entity.
- G. Signs containing illumination or elements that are animated, moving, flashing, blinking, reflecting, revolving, or other similar features. This includes signs illuminated by strung lights.
- H. Animated signs, as defined.
- I. Electronic message boards.
- J. Portable signs.
- K. Signs affixed to or painted on a vehicle or trailer parked within view of a publicly accessible fire apparatus road or public right-of-way for a consecutive period of more than three (3) days with an apparent intent to display signage.
- L. Inflatable signs and air-activated graphics.
- M. Billboards and Digital Billboards.
- N. Fluctuating illumination, see § 1302.6.C

- O. Off-premise signage with a commercial message.
- P. Signs on lots/parcels with no building(s) or structure(s), excluding allowed temporary signage.
- Q. Any other sign that is not expressly exempt from regulation and/or not expressly allowed under this Article.

1302.3 – PERMIT REQUIREMENT AND APPLICATION

Except where explicitly exempted from permitting requirements by this Article, no sign or sign face 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 type or intensity of the sign's lighting shall require a sign permit. Signs powered by electrification shall also require a separate electric permit.

A. Applications

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

1. Permanent Sign:

- a. Applicant Information. Name and address of the applicant and/or contractor.
- b. Location Information. Street address and/or location of the property where the signage will be located.
- c. 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.
- d. 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).
- e. 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.
- f. Materials List and Illumination Design. A list of materials used for the signage along with details and design drawings/calculations on how the sign will be illuminated.
- g. Landscaping Plan. A landscaping plan showing the proposed landscaping for the signage (for freestanding signs only) in accordance with § 1302.6.D.
- h. 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.

- i. Other Information. Other information as required by the Administrative Official or his/her designee that is reasonably necessary to demonstrate compliance with these regulations.

2. Temporary Sign:

- a. Applicant Information. Name and address of the applicant and/or contractor.
- b. Location Information. Street address and/or location of the property where the sign will be located.
- c. Display Period. Dates/time-frame/duration of proposed temporary signage.
- d. 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.
- e. Scaled Site Plan. Scaled site plan for the sign, showing proposed location in relation to site features such as street right-of-way, parking, buildings, existing signs, or additional features as may be requested by the Administrative Official or his/her designee.
- f. Sign Description. Design drawing(s) of the sign or written description of the sign's size, materials, and support structures used for installation.
- g. 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 Article and other applicable regulations. Review shall be completed within twenty (20) 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 twenty (20) 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. Such fees shall be in addition to any other fees, such as electrical permits, which may apply to the application. All fees are non-refundable.

1. Permanent Signs.

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 and shall increase in cost annually by one dollar (\$1) each January 31st. Unpermitted work completed after adoption of this code or applicable portion of this code, and 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.

2. Temporary Signs.

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 thirty-five dollars (\$35) per sign and shall increase in cost annually by one dollar (\$1) each January 31st. Unpermitted temporary signs placed after adoption of this code or applicable portion of this code, and prior to approval of a sign permit shall be assessed a one-hundred dollar (\$100) 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

1. Permanent Signs.

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.

2. Temporary Signs.

Temporary sign permits, unless otherwise restricted by this Article, shall expire six (6) months after the date of issuance of the permit, regardless of whether the sign has been displayed or not.

1302.4 – SIGNS NOT REQUIRING A PERMIT

The following sign types shall not require a permit, but must conform to all provisions of these and other applicable regulations:

- A. Temporary Signs – Type 1.
- 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. Must conform to all other area requirements. See § 1303.
- 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.
- J. Art, excluding murals.

1302.5 – BASIC POLICIES AND RULES OF INTERPRETATION

The following policies and rules shall apply in the administration of this Article:

A. Message Neutrality.

This Article 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 Article and other applicable regulations are met. This Article is not intended in any way to regulate the message or content of any form of temporary signage.

B. 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.

C. Art and Murals.

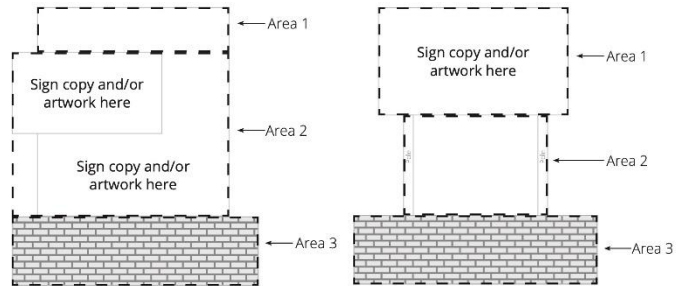
Art is regulated by this Article. Murals are regulated by this Article as they often contain a mixture of commercial and noncommercial messages, are applied or adhered in a method similar to other forms of signage, and may often occupy most or all of the building elevation on which it is placed.

D. Setbacks.

When determining setback, the leading edge of the sign nearest the curb or edge of street shall be the point from which setback is determined. Unless otherwise specified, all setbacks shall be measured from the property line or the projected edge of the Master Transportation Plan right-of-way, whichever is greater.

E. Sign Area Measurement.

When calculating the surface area of any sign, a maximum of three (3) distinct and abutting "Areas" made up of squares or rectangles may be used to encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. 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 twelve (12) feet in height.



F. 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.

G. Maintenance.

Maintenance of existing signs, including change of copy in changeable copy signs, 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.

1302.6 - CONSTRUCTION AND DESIGN STANDARDS

The following standards shall apply to all signs, as applicable:

A. Building Code Compliance and Installation.

All signs, excluding temporary signs, shall be installed and designed in a manner to conform with current building and electrical codes adopted by the City of Conway. Such signs shall be constructed of materials that are durable and permanent in nature, and permanently affixed through secure anchoring to the ground or a building. Printed materials which are not placed in a cabinet or support structure or not designed to be integrally adhered to a permanent solid surface shall not be considered permanent or durable materials.

B. Design.

Signs shall be designed in a manner to relate to the design and character of the structures and site on which the signage is located. Sign support structures shall blend normally into the site and relate in a compatible manner to the colors and materials used on the building and site where the sign is installed.

C. Lighting.

1. General Limitations.

Unless otherwise prohibited by separate regulations, all signs may be illuminated excluding temporary signs. No sign may be illuminated in a manner that creates a nuisance to adjacent property due to excessive glare and/or light trespass.

2. Fluctuating Illumination.

No sign or building elevation may contain illumination which flashes, blinks, is animated, or fluctuates in light intensity.

3. Facing Residential Areas.

No sign may contain illumination when facing a residential zoning district within fifty (50) feet of the sign.

4. Concealment of Source.

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. This provision shall not apply to neon tube lighting.

5. Strung Lights.

Signs shall not be illuminated by a string of lights placed around a sign. Strung lights may not be placed around a window, whether or not containing signage. Such illumination shall not be granted legally nonconforming status.

6. Awning Signs.

Unless expressly provided otherwise in this ordinance, awning signs may be illuminated, including without limitation by backlighting.

D. Landscaping.

All freestanding signs shall include a landscaping bed, with plantings such as shrubs or ornamental grasses, extending at least two (2) feet from the base of the sign in all directions.

E. 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.

1. 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.
2. All sign(s)/sign support structures shall be kept in compliance with all building and electrical codes, in conformance with the requirements of this Article.
3. 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.

F. 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 legally nonconforming 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 for a period of more than ninety (90) consecutive days.

G. Interference with Utilities.

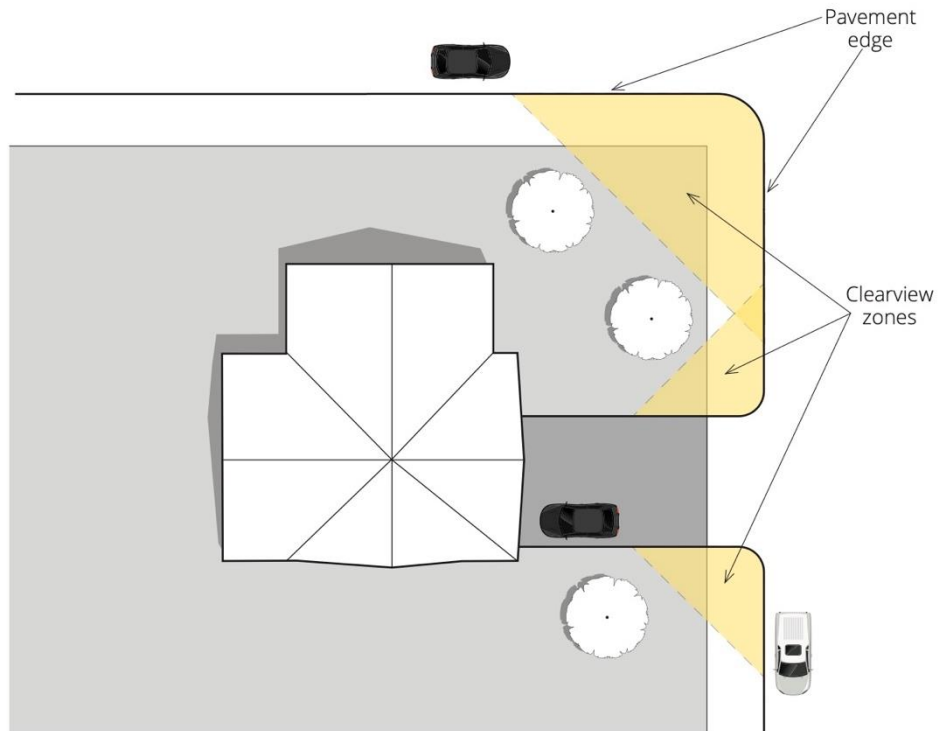
No sign shall be located within five (5) feet of a fire hydrant, within Conway Corporation's designated safety zone of overhead electrical conductors, or upon any easement. Signs may only be placed in an easement when no other feasible alternative location exists.

H. 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:

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

I. Prevention of Access.

1. No sign shall be erected which prevents free ingress and egress from any driveway, parking lot, or structure door, window, or fire escape. No sign of any kind will be attached to any part of a fire escape or fire department connection.
2. 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. Such signs (except in the C-1 Zoning District) shall not project into the public right-of-way.

J. Changeable Copy.

Unless otherwise specifically allowed, signs may only use manual changeable copy. Only one changeable copy area per sign is allowed.

SECTION 1303 – SIGN ALLOWANCES BY TYPE AND ZONING DISTRICT

1303.1 – TEMPORARY SIGNS

The following types of temporary signs are allowed:

- A. Type 1 – Permit not Required.

Zoning District(s)	Temporary Sign Types Allowed	Land Use	Limitations
All Zones	Temporary signs when a building or parcel/lot is under construction or renovation.	Residential Use	Number Allowed: 2 per building or parcel/lot.
			Maximum Size: 48 sq. ft. each
		Nonresidential Use	Number Allowed: 2 per building or parcel/lot.
			Maximum Size: 64 sq. ft. each
All Zones	Temporary signs when a building or parcel/lot is for sale, lease, or rent.	Residential Use	Number Allowed: 1 per frontage and/or 1 per tenant lease space. 1 additional sign allowed for no more than 36 hours when the property is open to the public.
			Maximum Size and Height: 6 sq. ft. and 6 ft. tall
		Nonresidential Use	Number Allowed: 1 per frontage and/or 1 per tenant lease space.
			Maximum Size and Height: 48 sq. ft. and 8 ft. tall.
All Zones	Temporary signs during elections.	All	Display Time Duration: 90 days prior or 7 days following any federal, state, or local election authorized by the Faulkner County Election Commission and held in the jurisdictional area of these regulations.
All Zones	Temporary signs when a garage or yard sale is conducted at a building or parcel/lot.	Residential Use	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.
C-1, C-2, C-3, O-1, O-2, O-3, CMU, CCMU	A-frame Sign	Commercial Use	Number Allowed: 1 per building.
			Maximum Size and Height: 6 sq. ft. and 3ft. tall.
			Other: May only be placed on sidewalk immediately in front of business. Must maintain a 5 ft. clearance for pedestrians.

B. Type 2 – Permit Required.

Zoning District(s)	Temporary Sign Types Allowed	Land Use	Limitations
C-1, C-2, C-3, O-1, O-2, O-3, S-1, CMU, CCMU	General temporary sign	Commercial, Institutional Uses	Number Allowed: 1 per building and parcel/lot.
			Maximum Size: 24 sq. ft.
			Display Time Duration: 6 months. The 6 month period shall be counted from the date of issuance of the permit.
			Other: Any change of sign such as a change in banner shall require issuance of a new permit.

1303.2 – SIGNS ALLOWED IN PLANNED UNIT DEVELOPMENT, SPECIFIC PLAN, AND OTHER SPECIAL DISTRICTS

Sign requirements for districts not covered by these regulations including Planned Unit Developments (PUDs), Specific Plan Districts, 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 Article. 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 Article. If the Administrative Official denies the petition, the applicant may request an appeal of a decision of the Administrative Official.

1303.3 – SIGNS ALLOWED IN RESIDENTIAL ZONING DISTRICTS

The following types of signs are allowed in the R-1, R-2, R-2A, SR, HR, MF-1, MF-2, MF-3, RMH, A-1, and RMU districts:

Signs Allowed	Form	Limitations
Sign at the entry of a neighborhood or subdivision	Monument Sign	Number Allowed: 1 sign per frontage external to the subdivision or neighborhood.
		Maximum Size and Height: 48 sq. ft. each and 6 ft. tall.
		Setback: May be placed at the property line, provided it does not extend into the clear view zone or easement.
Sign at the entry of a multi-family development	Monument Sign	Number Allowed: 1 sign per frontage external to the multi-family development.
		Maximum Size and Height: 36 sq. ft. each and 6 ft. tall.

Signs Allowed	Form	Limitations
Wall signs for nonresidential use	Wall Sign	Number Allowed: 1 sign.
		Maximum Area: 10% of the aggregate area of the building elevation where the sign is installed.
Freestanding signs for nonresidential use	Monument Sign or Two-Pole Sign	Number Allowed: 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.

1303.4 – SIGNS ALLOWED IN COMMERCIAL, OFFICE, INSTITUTIONAL, AND INDUSTRIAL ZONING DISTRICTS

The following types of signs are allowed in the C-2, C-3, O-1, O-2, O-3, S-1, I-1, RU-1, I-3, and TJ districts:

Signs Allowed	Form	Limitations
Freestanding signs on a parcel/lot with a primary building(s). (5 acres or less)	Monument Sign or Two-Pole Sign	Number Allowed: 1 sign per frontage.
		Maximum Size and Height: 64 sq. ft. each and 8 ft. tall.
		Setback: May be placed at the property line, provided it does not extend into the clear view zone or easement.
		Automobile Service Station establishments may utilize up to 40% of the sign area or 36 sq. ft., whichever is less; with static, monochromatic internal/direct illumination not changing its lighting arrangement more than once per hour. Such illumination must only be capable of displaying alpha-numeric characters.
Freestanding signs on a parcel/lot with a primary building(s). (5 to 20 acres)	Monument Sign or Two-Pole Sign	Number Allowed: 1 sign per frontage.
		Maximum Size and Height: 80 sq. ft. each and 10 ft. tall.
		Setback: May be placed at the property line, provided it does not extend into the clear view zone or easement.
		Automobile Service Stations establishments may utilize up to 40% of the sign area or 36 sq. ft., whichever is less; with static, monochromatic internal/direct illumination not changing its lighting arrangement more than once per hour. Such illumination must only be capable of displaying alpha-numeric characters.

Signs Allowed	Form	Limitations
<p>Freestanding signs on a parcel/lot with a primary building(s). <i>(20 acres or more)</i></p>	<p>Monument Sign or Two-Pole Sign</p>	<p>Number Allowed: 1 sign per frontage.</p>
		<p>Maximum Area: 96 sq. ft. each and 12 ft. tall.</p>
		<p>Setback: May be placed at the property line, provided it does not extend into the clear view zone or easement.</p>
		<p>Automobile Service Stations establishments may utilize up to 40% of the sign area or 36 sq. ft., whichever is less; with static, monochromatic internal/direct illumination not changing its lighting arrangement more than once per hour. Such illumination must only be capable of displaying alpha-numeric characters.</p>
<p>Freestanding signs for a Regional Scale Development. <i>(Regional Scale Development § 1101.7) 25 acres or more)</i></p>	<p>Monument Sign or Two-Pole Sign</p>	<p>Number Allowed: 1 sign per regional scale development. Such sign shall be in addition to any signs allowed for each lot in the development. All such signs must be monument signs and only 1 per parcel/lot shall be allowed.</p>
		<p>Maximum Size and Height: 400 sq. ft. and 35 ft. tall.</p>
		<p>Setback: 15 ft. from the ROW and at least 25 ft. from all adjoining properties.</p>
<p>Wall-attached signs for primary building(s).</p>	<p>Wall Sign Awning Sign Canopy Sign</p>	<p>Number Allowed: No limit, provided area requirements are met.</p>
		<p>Maximum Size: 10% of aggregate area of building elevation where the sign is installed. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).</p>
		<p>Other: Allowed on each building elevation for primary/principal buildings.</p>

Signs Allowed	Form	Limitations
Wall-attached signs for primary building(s).	Under Canopy Sign	Number Allowed: 1 sign per occupancy.
		Maximum Size: 8 sq. ft. per sign, if area does not exceed 10% of aggregate area of building elevation where the sign is installed. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).
		Clearance Requirements: 7 ft. above sidewalk grade.
		Lighting: External illumination only.
	Projecting Sign (Blade Sign)	Number Allowed: 1 per occupancy.
		Maximum Size: 10% of aggregate area of building elevation where the sign is installed. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).
		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.
	Window Sign	Number Allowed: No limit, provided area requirements are met.
		Maximum Size: 25% of window area on the building elevation where sign is located. Window signs are counted against the overall wall sign allowance of 10% of aggregate area of building elevation. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).
		Permit Requirements: Not required.
	Incidental Sign	All
Maximum Size: 4 sq. ft. per sign, 16 sq. ft. per occupancy.		

1303.5 – SIGNS ALLOWED IN URBAN FORM DISTRICTS

The following types of signs are allowed in the C-1, CMU, and CCMU districts:

Signs Allowed	Form	Limitations
Wall-attached signs for primary building(s).	Wall Sign Awning Sign Canopy Sign	Number Allowed: No limit, provided area requirements are met.
		Maximum Size: 10% of aggregate area of building elevation where the sign is installed. (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.
	Under Canopy Sign	Number Allowed: 1 sign per occupancy.
		Maximum Size: 8 sq. ft. per sign, if area does not exceed 10% of aggregate area of building elevation where the sign is installed. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).
		Clearance Requirements: 7 ft. above sidewalk grade.
		Lighting: External illumination only.
	Projecting Sign (Blade Sign)	Number Allowed: 1 per occupancy.
		Maximum Size: 10% of aggregate area of building elevation where the sign is installed. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).
		Other: May not project more than 8ft from the side of the building.
		Clearance Requirements: 10 ft. above sidewalk grade and 14 ft. vehicular way grade.
	Window Sign	Number Allowed: No limit, provided area requirements are met.
Maximum Size: 25% of window area on the building elevation where sign is located. Window signs are counted against the overall wall sign allowance of 10% of aggregate area of building elevation. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).		
Permit Requirements: Not required		
Incidental Sign	All	Number Allowed: No limit, provided area requirements are met.
		Maximum Size: 4 sq. ft. per occupancy

1303.6- BILLBOARDS

No additional billboards may be constructed. Any modification to an existing billboard must constitute maintenance, as defined by this Article and meet the requirements of § 1304.2.A.

1303.7- ALTERNATIVE SIGNAGE PLAN

An alternative signage plan may be used where impractical situations would result from this Article. 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 Article, justifying an Alternative Signage Plan. Such plans shall require the approval of the Planning Commission.

Application shall be made in the same manner as prescribed in § 1302.3.A. 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.

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 three hundred twenty-five dollars (\$325).

At least one of the following conditions shall be met in order for an Alternative Signage Plan to be considered for approval:

- A. The applicant must show that installation of signage per this Article 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.
- B. 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 Article.
- C. The applicant can demonstrate that, for a freestanding sign (excluding billboards) within one thousand (1,000) feet of the center of the median of Interstate 40, the allowed sign would be at least fifty (50) feet lower and two hundred (200) square feet smaller than at least two (2) signs within three hundred (300) feet of the proposed location of the sign.

In such instances, the applicant may make a request for a freestanding sign no more than seventy-five percent (75%) of the average height and size of the two (2) nearest signs, meeting the above conditions necessary to make the request.

- D. The applicant can demonstrate the request includes a mural with a primary purpose of displaying a non-commercial message or an on-premise commercial message without the presence of logos or alphanumeric content that may be directly related to the on-premise entity where the mural is located.
- E. The applicant can demonstrate the request includes a mural which does not display an on-premise commercial message on more than twenty percent (20%) of the building elevation on which it is placed.

- F. 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.

1303.8-MURALS

Murals may be approved in the following manners:

- A. Murals placed in the Old Conway Design Overlay District, a historic district, or any overlay zone in which the Historic District Commission administers such regulations may only be allowed on a building elevation that does not contain the primary entrance to the building. The mural shall either meet the standards for a wall sign, be approved through a Certificate of Appropriateness by the Historic District Commission, or be directly caused to be installed by the City of Conway.
- B. Murals placed outside the Old Conway Design Overlay District, a historic district, or any overlay zone in which the Historic District Commission administers such regulations may only be allowed when approved through an alternative signage plan or be directly caused to be installed by the City of Conway.

SECTION 1304 – NONCONFORMING SIGNS

1304.1 – DETERMINATION OF LEGAL NONCONFORMITY

- A. Nonconforming Signs Generally.
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 now comply with the provisions of this sign ordinance. This includes all signs; freestanding, wall, awning, billboard, etc. This expressly does not include temporary signs.
- B. Continued Use.
A legally established sign which fails to conform to this Article and other applicable regulations shall be allowed continued use. A pre-existing nonconforming sign shall not be expanded, moved, or relocated. A pre-existing nonconforming sign may not be relocated due to any street improvement project. New replacement signage shall meet current standards, except as otherwise expressly allowed by this Article.
- C. Electronic Message Boards.
Nonconforming electronic message boards shall not be replaced with another electronic message board either used or new.

1304.2 – LOSS OF LEGAL NONCONFORMING STATUS

The following shall apply to the status of legally nonconforming signs:

- A. Existing Signs.
 - 1. If the sign face is damaged or unintentionally destroyed, the face may be replaced. The sign face support structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure.

2. If the structural components of the sign including the face support structure/cabinet is damaged or unintentionally destroyed, the structure and face may be replaced with a sign face support structure and sign face complying with the current adopted standards of this Article. If damaged to the extent of more than fifty percent (50%) of the replacement cost, the sign may not be replaced. The determination of damage shall be based on the average of three (3) estimates from three (3) separate sign companies.

B. Modification.

A sign shall lose nonconforming status if altered in any way except toward compliance with this Article. 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.

Existing legally nonconforming signs, excluding billboards, which are nonconforming due to height or size, may be replaced or modified with a new or modified sign. In such instances, the new sign, if not proposed to be conforming, must be no more seventy-five percent (75%) of the size and/or height of the existing sign.

C. Change of Message.

Any sign shall be allowed to change its message and copy without loss of legal nonconforming status.

D. Relocation.

No legally nonconforming sign may be relocated unless relocated in a manner that brings the sign fully into compliance with the provisions of this Article.

1304.3 – MAINTENANCE AND REPAIR OF NONCONFORMING SIGNS

The legal nonconforming sign is subject to all requirements of this Article regarding safety, maintenance, and repair.

SECTION 1305 – ADMINISTRATION AND ENFORCEMENT

1305.1 – ADMINISTRATIVE OFFICIAL

The Administrative Official of this Article shall be the Director of Planning and Development. The Planning Department is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this Article. Any party who disagrees with the determinations or interpretation of this Article as to any sign application or other actions related to signs must appeal the determination or interpretation to the Board of Zoning Adjustments in accordance with applicable Arkansas law and City of Conway Ordinances.

The Administrative Official 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.

1305.2 – VARIANCES

No variances shall be allowed from the size area requirements of this ordinance. No variances concerning electronic message boards or billboards shall be allowed. The remaining requirements

and limitations of this Article, i.e., height, location, etc. may be varied in accordance with Arkansas law and Conway ordinances. Variance applications shall be consistent with the provisions of Article 801. Fee 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 three hundred twenty-five dollars (\$325).

1305.3- VIOLATIONS

Permanent and Temporary Signs. When a violation of the sign code exists, the Administrative Official shall issue a written order to the alleged violator. The order shall specify those sections of this Article which the individual may be in violation of and shall state that the individual has thirty (30) days from the date of the order in which to correct the alleged violation. If the sign in question is a temporary sign, the Administrative Official shall state that the individual has no more than fourteen (14) days from the date of the order in which to correct the alleged violation. If after this period, the alleged violation is not corrected, the Administrative Official may cause the Code Enforcement Officer to issue a citation for the alleged violation.

Abandoned Signs. If, upon inspection, the Administrative Official and/or Code Enforcement Officer finds that a sign is abandoned or structurally, materially, or electrically defective in such a way that it endangers the public, the Administrative Official and/or Code Enforcement Officer shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to remove the endangerment immediately and to repair or remove the sign within thirty (30) days of the date of the order. If after this period, the sign is not removed or alleged violation is not corrected, the Administrative Official may cause the Code Enforcement Officer to issue a citation for the alleged violation.

Immediate Danger. In cases of emergency, the Administrative Official 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.

Sign in the Public Right-of-Way. In cases of illegal signs placed in the public right-of-way, the Administrative Official may cause immediate removal of the sign without notification of the owner of the sign.

1305.4 - REMOVAL OF SIGNS

The Administrative Official may cause the removal of an illegal sign in cases of emergency for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, 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.

If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten percent (10%) penalty for collection in the same manner as the real estate taxes and in accordance with State law.

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, 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.

1305.5 – RESPONSIBILITY FOR VIOLATIONS

Any person or entity having express or implied authority over a sign, including but not limited to a person acting as an authorized agent for a landowner to apply for a sign permit or install a sign, together with the landowner or lessor of the property where a sign is located shall be jointly and severably liable for any violations of this Article to the extent the person or entity caused or knowingly permitted the existence of the violation.

1305.6 – PENALTIES

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.

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.

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.

1305.7 – APPEALS

Any party who disagrees with the determinations or interpretation of this Article made by the Administrative Official as to any sign application or other actions related to signs must appeal the determination or interpretation to the Board of Zoning Adjustments in accordance with applicable Arkansas law and City of Conway Ordinances.

SECTION 1306 – REPEAL, CONFLICT, SEVERABILITY, AND EFFECTIVE DATE

1306.1 – CONFLICT

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

1306.2 – SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Article or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Article, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

SECTION 1307 – DEFINITIONS

Certain terms are defined for the purposes of this Article as follows:

Abandoned Sign. A sign located upon a building or lot/parcel that is not occupied and vacant for a period of more than ninety (90) consecutive days.

A-Frame Sign. (a.k.a., Sandwich Board Sign or Sidewalk Sign) means a freestanding sign that is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable and is not permanently, attached to the ground or any structure.

Administrative Official. The person or person(s) designated, in writing, to administer and enforce this Article by the Mayor of the City of Conway. Where no such designation exists in writing, the Planning and

Development Director and his/her assigns shall be responsible for administration of this Article. The Code Enforcement Director and his/her assigns shall be responsible for enforcement of this Article.

Animated Sign. (see also and note difference from changeable sign) A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means.

Animated signs include the following types:

- A. Naturally Energized: Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
- B. Mechanically Energized: signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
- C. Electrically Energized: Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:
 1. Flashing Signs: An illuminated sign on which artificial or reflected lights is not maintained stationary and constant in intensity and color at all times when in use.
 2. Illusionary Movement Signs: Illuminated signs exhibiting the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

Applicant. Any person, firm, group, organization, or corporation applying for permits or other approvals required by this Article.

Art. A device, element, or feature whose purpose is to express a noncommercial message that typically enhances, expresses, or illustrates aesthetic quality, feeling, physical entity, idea, local condition, historical, or mythical happening or cultural or social values and which is meant to be displayed within view of the public. Examples include without limitation: sculptures, frescoes, fountains, ceramics, monuments.

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. (compare "Marquee")

Awning Sign. A sign painted on, printed on, or attached flat against the surface of an awning in a permanent manner. Banners attached to awnings are not defined as awning signs.

Back Lit Awning. An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

Banner. A type of temporary sign on cloth, canvas, fabric, vinyl, or other flexible material which projects from or hangs from a building, pole or wire. Banners include flags, cable-hung banners and vertical banners. Depending upon its method of attachment, a banner is a flat-mounted wall sign, projecting sign, or free-standing sign.

Billboard. A permanent sign in a fixed location which meets any one or more of the following criteria:

- A. It is used for the display of off-premise commercial messages;
- B. The message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, i.e., it is general advertising for hire;
- C. The sign is a principal use of the land, rather than appurtenant or accessory to some other principal use of the land;
- D. The sign is subject to rules and regulations concerning outdoor advertising which are promulgated as a result of Minute Order 72-6 of the Arkansas State Highway Commission, a subsequent amendment of those rules and regulations, or other state regulation governing outdoor advertising;
- E. The sign has a sign area greater than four hundred (400) square feet in size.

Blade Sign. see "Projecting Sign"

Building. As defined by the Zoning Code.

Canopy (Building). A rigid multisided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources. (compare "Marquee")

Canopy (Freestanding). A rigid multisided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

Canopy Sign. A sign affixed or applied to the exterior facing surface or surfaces of a building canopy or freestanding canopy. Banners attached to canopies are not defined as canopy signs.

Changeable Copy Sign. A sign on which the sign content can be changed or altered by manual, electric, electromechanical, or electronic means. Changeable copy signs include the following types:

- A. Manual Changeable Copy Sign: Signs whose alphabetic, pictographic, or symbolic sign content can be changed or altered by manual means.
- B. Electrical Changeable Copy Sign: Signs whose alphabetic, pictographic, or symbolic sign content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments, including electronic message boards.

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

Clearance. (of a sign) The smallest vertical distance between the grade of the adjacent sidewalk, pathway, street, highway, street curb, or vehicular/pedestrian passageway and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clear View Zone. An area where placement of signs presents a hazard by obstructing the vision of pedestrian and vehicular traffic at street intersections, publicly accessible fire apparatus roads, driveways,

or alleys. Such zones are determined from measuring the point of intersection of lines that extend along the edge of pavement between the aforementioned types of intersections.

Commercial message or speech. Any sign wording, logo, design, pictorial image, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, commercial product, accommodation, service, or other commercial activity.

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

Electronic Message Board. A sign that uses changing light (including LEDs) to form a message, pictures, symbols, or logos in a display controlled by electronic means.

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

Façade. The entire building front including the parapet.

Festoon. A string of ribbons, tinsel, small flags, or pinwheels.

Fire Apparatus Road. A road, whether public or private, from a building or development obtains access to a public right-of-way and which is at least twenty (20) feet in width.

Flashing Sign. See "Animated Sign, Electrically Energized"

Freestanding Sign. A sign supported permanently upon the ground by poles, braces, base, or similar support structure and not attached to any building. This sign type is inclusive of other sign types meeting this definition.

Frontage. The length of the property line of any one premise along a public right-of-way or publicly accessible fire apparatus road on which it borders.

Frontage, Building. The length of an outside building wall facing a frontage.

Government Sign. Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Illegal Sign. A sign which does not meet the requirements of this code, was not legally permitted, or which does not have legal nonconforming status.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign. A permanent sign, not exceeding four (4) square feet in size, giving information or direction for the convenience and necessity of the public such as "entrance", "exit", "no admittance", "telephone", "parking", etc.

Maintenance. Cleaning, painting, or minor repair of defective parts of a sign in a manner that does not alter the design, or structure of the sign.

Mansard. A sloped roof or roof-like facade architecturally comparable to a building wall.

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

Marquee Sign. Any sign attached to or supported by a marquee structure.

Mural. An artwork containing commercial, noncommercial, or a mix of commercial and noncommercial speech which is painted on or directly and integrally affixed in a permanent way to the wall of a building.

Monument Sign. A freestanding sign mounted directly to the ground supported by a structural base separate from the sign cabinet and with no poles visible between the sign and the ground.

Noncommercial message or speech. Constitutionally protected speech or messages that addresses topics of public concern or controversy such as, by way of example and not limitation: politics, religion, philosophy, science, art, or social commentary. This definition shall be construed in light of relevant court decisions.

Nonconforming Sign. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations. Or, a sign which does not conform to the sign code requirements, but for which a variance or similar approval has been issued.

Occupancy. The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-Premise. (sign) A message or sign advertising commercial products, accommodations, services, or activities not provided in or on the property or premises upon which the sign or message is located. This definition does not include noncommercial messages.

On-Premise. (sign) A message or sign that advertises the commercial business, establishment, accommodation, services, or activities provided on the premises on which the sign is located, or is expected to be provided in the near future. In the case of developments subject to an alternative signage plan or which are designated as a regional scale development, all establishments subject to the plan or in the development are considered on-premise when located inside the development or area of the approved plan. This definition does not include noncommercial messages.

Owner. A person recorded as such on official records. For the purposes of this Article, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrative Official, e.g., a sign leased from a sign company.

Parapet. The extension of a false front or wall above a roofline.

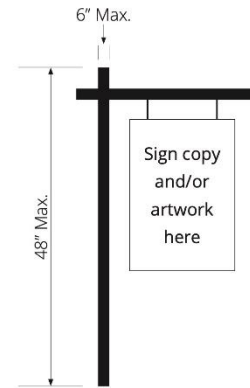
Person. Any individual, corporation, association, firm, partnership, or similarly defined interest.

Pole Cover. Cover enclosing or decorating poles or other structural supports of a sign.

Pole Sign. A sign constructed with a base consisting of one or more poles.

Portable Sign. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Permanently affixed shall mean anchored to the ground as stipulated in Section 2303 Construction of the 1991 Edition of the Standard Building Code.

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



Projecting Sign. A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign. Typically projecting from the facade of a building and perpendicular to the pedestrian or vehicular right of way.

Premises. A parcel of land with its appurtenances and building which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Pylon Sign. See "pole sign".

Roof Sign. A sign which is attached to a roof or to a structure located on a roof, exclusive of a mansard.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

Rotating Sign. See "Animated Sign, Mechanically Energized"

Sign. Any object, device, display, or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination, or projected images. This definition shall be inclusive of murals or art forms which are traditionally considered art placed on an exterior wall of a building with an intent to be visible to the public.

Sign Face. The area of a sign on which the copy is placed. This does not include the mounting structure. Sign face does not include an electronic message board or panel.

Sign Relocation. The movement of the sign to a new or changed location and includes without limitation any movement of the sign to a new location on the same structure, on the same parcel or elsewhere. Any movement of a sign, no matter how slight, is a relocation.

Structure. Any mechanical component to which the actual advertising face is attached. Including the pole.

Temporary Sign. A sign not constructed or intended for long-term use or which is portable is considered a temporary sign. This definition includes any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground. This includes banners, etc.

Two-pole Sign. A type of pole sign constructed with two vertical support poles. Such poles are mounted on the outside of the sign face or within the outside one-fourth ($\frac{1}{4}$) of the sign face. A sign face may be mounted on top or between the two vertical poles.

Under Canopy Sign. A sign fastened under a canopy structure and mounted perpendicular to the face of the building from which the canopy projects.

Vertical Banner. A banner hung or projecting from a banner pole in the public right-of way designated for civic use.

Wall Sign. A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. This definition shall not include freestanding walls or fences.

Window sign. A sign applied directly onto a window or inside of a window and within ten (10) feet of the window and legible from outside the window. Window signs include without limitation the application of words and logos onto window glass, the use of hanging signs and paper signs. However, the display of non-copy merchandise shall be permitted provided the packaging and/or labels are not so extreme as to render it substantially advertising copy. Window signs shall not be animated signs, blinking signs, or electronic message boards.