

# ARTICLE 801

## SIGNS AND BILLBOARDS

### SEC. 801.1 PURPOSE

Signs use private land and the sight line created by public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards. The general purpose of these standards is to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of Bentonville, 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 fire fighting or police surveillance;
3. Do not create traffic hazards by confusing or distracting motorists;
4. Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals; and,
5. 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 by providing that:

1. Customers and other persons may locate a business 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 that signs:

1. Do not 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, size, height, or 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 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;
9. Do otherwise protect and preserve a quality landscape in the city; and
10. Do otherwise enhance the appearance and economy of the city.

### SEC. 801.2 COMMON SIGNAGE PLAN

Prior to issuance of any sign permit in a development containing several buildings or businesses, a common signage plan for the development shall be approved and filed with the Building Inspections Department. Signage plans require Planning Department approval. In the case of any conflict between the signage plan and the zoning ordinance, the ordinance shall govern.

**A. Drawings.** Drawings, sketches and/or photographs shall be submitted and kept on file to demonstrate the common signage plan. The common signage plan shall consist of three (3) elements:

1. **Location.** Identification of sign locations on buildings or property.
2. **Materials.** Description of the type of sign and sign materials including construction materials and proposed lighting, if any.
3. **Size.** Itemization of sign size and/or area at identified locations.

- B. Multiple signs.** Where more than one sign is located on a property, or where more than one building or business is located in a single development project, such as a shopping center, the common signage plan will demonstrate that these elements create consistency and uniformity among signs within the project. The requirements of a common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided.
- C. Amendments.** Revisions or amendments to the common signage plan shall require documentation from all tenants on the property prior to approval.
- D. Minor alterations.** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Community Development Director or the Director's designated representative.

### SEC. 801.3 APPLICATION FOR A SIGN PERMIT

Signs permitted in *Sec. 801.9 Signs Permitted with a Sign Permit* shall be allowed with a sign permit and signs permitted in *Sec. 801.10 Signs Permitted with a Temporary Sign Permit* shall be allowed with a temporary sign permit issued by the Community Development Department.

- A. Application.** Complete the Sign Permit Application provided by the Community Development Department.
- B. Fee.** The applicant shall pay the fee as adopted from time to time by City Council.
- C. Drawings.** A scaled drawing of the sign including sign height, area, design, content, and dimensions of the sign and 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.

- D. Site plan.** A scaled site plan showing the location of the sign on the property or building including street right-of-way and property lines. For wall signs, building face shall be dimensioned.
- E. Materials List.** A list of materials used to construct the sign.

### SEC. 801.4 REVIEW AND APPROVAL

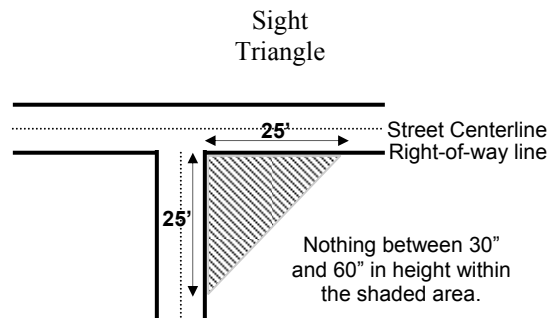
- A. Approval.** After a review of the application by the Community Development Department shows that the sign meets zoning, electrical, and ICC Building Code requirements, the applicant shall receive a permit to erect or install the approved signs.
- B. Permanent Signs.** The applicant shall request an inspection after installation of permanent signs.
1. **Expiration of permit.** The sign permit shall be null and void if sign installation is not completed within six (6) months or the signs are not in conformance with the approved application. The Community Development Department may grant one thirty (30) day extension to the sign permit.
  2. **Successors.** Valid sign permits may be assignable to a successor of the business.

- C. Temporary Sign.** Temporary sign permits shall be reviewed and issued in compliance with the regulations set forth in *Sec. 801.10 Signs Permitted with a Temporary Sign Permit*.
- D. Revocation of Permits.** The Community Development Director or his or her designee may revoke a sign permit if a sign is found to be in violation of this ordinance.
- E. Minor alterations.** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Community Development Director or the Director's designated representative.

### SEC. 801.5 INTERPRETATION OF SIGN REGULATIONS

- A. Street frontage.** Street frontages shall be considered separately for each street the lot fronts, measured by property lines.

- B. Maximum area.** Maximum area shall be the area of one side of the sign.
- C. Measurable area.** Measurable area is the area within the outer boundaries of standard geometrical shapes, primarily squares, rectangles, and circles, containing and defined by the extreme reaches of information or graphic parts of the signs.
- D. Maximum height.** Height is measured from the point at which the sign and supports are attached to the ground, measured to the highest point on the top of the sign.
- E. Appeal of Interpretation.** All administrative interpretations of sign regulations may be appealed to the Board of Adjustment. Where necessary, the Board may consider not only the current or intended uses of a sign but also its past use. It shall be the obligation of the sign owner to furnish records concerning the past use, if requested by the board.



- C. Maintenance.** All signs, to include permanent and temporary signs and signs that do and do not require a permit, shall be maintained in good condition, kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscures the view of the sign message. Sign landscaping shall be maintained so as not to interrupt the view of the sign.
- D. Obstructions.** No sign shall block entrances or exits to buildings to include windows, doors, and fire escapes.

**SEC. 801.6 GENERAL REGULATIONS**

**A. Design and Construction**

- 1. Code Compliance.** All signs shall comply with applicable provisions of the ICC Building Code and the National Electrical Code.
- 2. Materials.** Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
  - (a) Temporary signs meeting the regulations elsewhere in this Article.
  - (b) Real estate signs.
  - (c) Construction signs.
  - (d) Window signs.
  - (e) Yard sale signs, political and election signs.

- B. Sight Triangle.** No sign shall constitute a hazard to traffic including, but not limited to signs located within the sight triangle of an intersection.

The sight triangle is defined by a triangular area formed by a diagonal line connecting two points on intersecting street rights-of-way, measured 25' along each right-of-way starting at the intersection point.

- E. In public right-of-way.** No sign, including supports, frames, and embellishments, shall be located within a public right-of-way and/or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or on public property, except as specifically permitted in this Article. Generally, signs located away from the street behind the sidewalk or utility poles shall be considered to be located outside the public right-of-way.

**F. Illumination**

- 1. Source.** Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety. External illumination is preferred.
- 2. Internal illumination.** Internally illuminated signs in all districts shall have an opaque background and translucent copy.
- 3. External Illumination.** External illumination shall be selected, located, aimed and shielded so that direct illumination is focused solely on the sign face, away from adjoining

properties and the public street right-of-way. Down-lighting is preferred.

4. **Strung lights.** Signs shall not be illuminated by a string of lights placed around the sign.

**G. Changeable Copy Signs.** Manual changeable copy signs and electronic changeable copy signs shall be allowed subject to the following:

1. **Area.** No more than 50% of the area of a sign shall be devoted to changeable copy except for signs for theaters which may devote up to 80% of a sign to changeable copy.
2. **Animation.** In no instance shall changeable copy signs produce fluctuating illumination or animation as prohibited in Sec. 801.11 A.
3. **Copy rotation** Each message shall be displayed for at least 3 seconds before alternating to the next message without violating Sec. 801.11 A. Messages shall be permitted to scroll from one direction onto the message board so long as the message remains on the message board for at least 3 seconds before scrolling off.

**H. Nonconforming, Obsolete, and Unpermitted Signs**

1. Signs which were lawful at the time of their construction or placement but are not in conformance with current regulations shall be permitted to be maintained as nonconforming signs until such time that the sign is damaged or in a state of disrepair or with a change of use of the site. At that time, the sign shall be replaced with a sign compliant with these regulations

## **SEC. 801.7 SIGNS PERMITTED WITHOUT A PERMIT**

The following signs shall be permitted in all zoning districts. No sign permit shall be required.

**A. Art.** Works of art which do not identify a commercial business, product or service.

**B. Construction signs.**

**1. Residential districts - lot.** Construction signs on individual lots in residential districts, subject to the following regulations:

- a. **Number permitted.** One construction sign per street frontage.
- b. **Maximum area.** Six (6) square feet.
- c. **Maximum height.** Six (6) feet.
- d. **Removal.** The sign shall be removed prior to the issuance of a Certificate of Occupancy or upon completion of the project.

**2. Residential districts - subdivision.** Construction signs for a subdivision in residential districts, subject to the following regulations:

- a. **Number permitted.** One per street frontage of subdivision.
- b. **Maximum area.** Thirty-two (32) square feet per sign face.
- c. **Maximum height.** Twelve (12) feet.
- d. **Removal.** The construction sign shall be removed within 7 days of erection of a permanent subdivision sign.

**3. Non-residential districts.** Construction signs in non-residential districts, subject to the following regulations:

- a. **Number permitted.** One per street frontage.
- b. **Maximum area.** Thirty-two (32) square feet per sign face.
- c. **Maximum height.** Twelve (12) feet.

- d. **Removal.** The construction sign shall be removed prior to obtaining a certificate of occupancy or erection of a permanent sign, whichever comes first.
- C. Farm signage.** Signs on farms of at least five acres in size and registered with the U.S. Department of Agriculture's Farm Service Agency (FSA) advertising sale of products grown or produced on the premises.
- D. Flags.** U.S., State, Municipal, or Corporate Flags. The United States flag shall be flown consistent with the federal flag code (U.S. Code Title 13 Chapter 1 – The Flag).
- E. Hand carried noncommercial signs.**
- F. Historic markers.** Attached or freestanding historic or memorial markers erected by a governmental agency or private, nonprofit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state or county wide basis or to properties within a duly authorized local historic district. Such plan or program must employ uniform standards of eligibility and the sign or marker must commemorate a person, building, place or event or historical, civic, cultural, natural historical, scientific, or architectural significance. Historical markers are subject to the following regulations:
1. **Maximum area.**  
 Freestanding: Eighteen (18) square feet.  
 Wall: Six (6) square feet.
  2. **Materials.** Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or other similar weather proof material.
- G. Holiday decorations.** Temporary lighting and displays that are part of customary holiday decorations, subject to the following regulations:
1. **Time period.** Displays and lighting associated with holiday celebrations shall not be illuminated before November 1, and shall not be illuminated after January 15.
  2. **Subject.** Such decorations shall not contain a commercial message.
- 3. Location.** Such signs shall not be located in the right-of-way.
- H. Identification signs.** Customary identification signs, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs that are no larger than three (3) square feet in area per sign.
- I. Incidental or directional signs.** Incidental signs, those that give information or direction for the convenience and necessity of the public, such as "entrance", "exit", "no admittance", "telephone", or "parking, subject to the following regulations:
1. **Maximum area.** Three (3) square feet
  2. **Maximum height.** Four (4) feet.
  3. **Subject.** Such sign shall not contain any logos.
- J. Interior signs.** Signs visible only from the interior of a structure, such as in a mall, where they are not visible from a public right of way or public space.
- K. Non-legible.** Any sign not legible either from any public right-of-way or from any lot or parcel other than the parcel on which such signs are located or from an adjacent lot or parcel under common ownership with the lot or parcel on which such sign is located. Such signs shall meet the following conditions:
1. **Maximum area.** Thirty-two (32) square feet.
  2. **Maximum height.** Six (6) feet, if freestanding.
- L. Non-profit announcements.** Announcements by public or non-profit organizations of fund raising events, special events or activities of interest to the general public, other than political signs, subject to the following regulations.
1. **Maximum area.**  
 Residential: Six (6) square feet  
 Non-residential: Thirty-two (32) square feet.
  2. **Maximum number permitted.** One per lot.
  3. **Time period.** Signs may be erected up to two (2) weeks prior to the event.

4. **Removal.** Signs shall be removed within three (3) days after the event.
5. **Banner attachment.** Banners shall be attached to a fixed structure, either a building or freestanding sign.
6. **Permitted special event signs.** When a property owner agrees to allow a non-profit announcement on their property, such sign shall not count toward the special sales event and promotion signs permitted in Sec. 801.10 A.
- M. Political signs.** Temporary political signs erected in connection with elections or political campaigns, subject to the following regulations:
1. **Maximum height.** Eight (8) feet.
  2. **Location.** Political signs are prohibited on utility poles and may not obstruct driver's vision clearances at an intersection. Such signs shall not be placed in public right of ways.
  3. **Time period.** Political signs shall not be posted earlier than sixty (60) days prior to a primary, general or special election
  4. **Removal.** Such signs shall be removed within three (3) days after the election.
- N. Public notice.** Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance.
- O. Public park signs.** Signs in public parks of a noncommercial nature erected by a government agency such as directional signs, rules signs, safety signs or site identification signs that are no greater than eight (8) feet in height.
- P. Public sign.** Any federal, state or local traffic control or other public sign.
- Q. Real estate signs - residential.** Real estate signs in residential districts.
1. **Generally.**
    - (a) *Location.* No real estate signs shall be located in the public right-of-way. If the right-of-way cannot be determined, signs shall be placed behind sidewalks and/or utility poles.
    - (b) *Removal.* Signs for properties for sale shall be removed within 72 hours of property closing.
2. **On-site signs.** On-site real estate signs in residential districts, subject to the following regulations:
- (a) *Maximum area.* Without a rider: six (6) sq. ft.; with riders: eight (8) sq. ft.
  - (b) *Maximum height.* Six (6) feet.
  - (c) *Maximum number permitted.*  
Freestanding – One (1) per street frontage.  
  
Wall – One (1) per dwelling unit.
  - (d) *Riders permitted.* Two sign riders are permitted as long as the maximum sign area does not exceed eight (8) square feet.
3. **Off-site signs.** Off-site directional real estate signs for the sale or rent of residential property, subject to the following regulations:
- (a) *Maximum area.* Two (2) square feet for a single user, or four (4) square feet when shared by multiple projects.
  - (b) *Maximum height.* Four (4) feet.
  - (c) *Maximum number permitted.* Four (4) directional real estate signs per project (or per property when a single dwelling is for sale or rent), in order to avoid the placement of a series of signs along several miles of roadway.
  - (d) *Location.* Directional signs shall be placed no farther than two (2) road miles from the project or property for which directions are given.
  - (e) *Intersections.* Up to two (2) directional signs are allowed at intersections. However, each user is allowed only one (1) sign per intersection. Therefore, each of the signs must identify different users.
  - (f) *Illumination.* Off-site directional real estate signs shall not be illuminated.

**R. Real estate signs – non-residential.** Real estate signs in nonresidential districts, subject to the following regulations:

1. **Maximum area.** Thirty-two (32) square feet.
2. **Maximum height.** Eight (8) feet.
3. **Maximum number permitted.**
  - (a) Freestanding: One (1) per street frontage
  - (b) Wall: If the entire building is for sale or lease: one (1) per building façade.  
If portions of the buildings are for sale or lease: one (1) per lease space.

**S. Religious institution directional signs.** Off-site signs directing a person to a religious institution shall meet the following conditions:

1. **Maximum area.** Six (6) square feet.
2. **Maximum height.** Eight (8) feet.
3. **Maximum number permitted.** Four (4) per religious institution.
4. **Subject.** Such signs may only bear the name and address of the church with direction and distance to the church.
5. **Permission.** Such signs require property owner permission.

**T. Stadium signage.** Commercial signs within City stadiums (High School Football and Baseball Stadiums).

**U. Traffic control signs.** Traffic control signs on private property such as “stop”, “yield”, and similar signs, the face of which meet Arkansas Department of Transportation standards, subject to the following regulations:

1. **Maximum area.** Eight (8) square feet.
2. **Subject.** Such sign shall not contain a logo or commercial message.

**V. Vending machines, ATMS, gas pumps.** Vending machines, automatic tellers, or gasoline pumps which display the name, trademark or logo of the company or brand or prices shall not exceed thirty-two (32) square feet in area per side. The display shall be an integral part of the machine or pump.

**W. Window signs.** Any sign, pictures, symbol or combination thereof that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window shall not exceed 40% of the window area.

**X. Yard sale signs - Individual.** All such yard, garage, moving, rummage sale signs, subject to the following regulations:

1. **Advertising.** No signs shall be posted advertising said sale more than three (3) days prior to the sale. Signs shall be removed one (1) day after the event. The sign shall include the address and date(s) of the sale
2. **Maximum area.** Six (6) square feet.
3. **Maximum number permitted.** One (1) at the site of the sale and one (1) off-site directional sign.
4. **Enforcement.** The Code Enforcement Officer shall have authority to remove the sign and issue a citation for any signs not in compliance with these regulations.
5. **Location.** Signs shall be placed behind the sidewalk for streets with sidewalks and 10’ behind the back of curb or edge of pavement for streets without sidewalks.

**Y. Yard sale signs – Neighborhood.**

1. **Definition.** A neighborhood yard sale sign shall be permitted to advertise for a neighborhood yard sale event whereby a minimum of three households within the same subdivision have individual yard sales simultaneously.
2. **Display period.** No sign shall be posted advertising said sale more than 7 days prior to the sale. Signs shall be removed one (1) day after the event.
3. **Display information.** Signs shall include the date(s) of the sale and, at a minimum, the site address of the coordinator of the event.
4. **Maximum Area.** 32 square feet.
5. **Maximum Number Permitted.** One per subdivision entry.
6. **Location.** The signs shall be attached to a permanent subdivision entry sign. If no subdivision entry sign exists, the

sign shall be attached to a fence or building near the subdivision entry.

7. **Individual Sales.** These regulations shall not prohibit the individual yard sale from advertising in compliance with 801.7 (X) above.
8. **Enforcement:** The Code Enforcement Officer shall have authority to remove the sign and issue a citation for any signs not in compliance with these regulations.  
(Ord. No. 2009-30, 4-14-09)

#### **SEC. 801.8 SIGNS PERMITTED IN PUBLIC RIGHT-OF-WAY WITHOUT A PERMIT**

The following signs shall be permitted within public rights-of-way. No sign permit shall be required.

- A. **Emergency.** Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.
- B. **Public.** Public signs erected by the city, county, state or federal government.
- C. **Moveable sidewalk signs.** Moveable signs located on sidewalks within the street right-of-way in pedestrian-oriented commercial areas within the R-O, C-1, C-3, DC, and DE Districts, provided that all the following criteria are met:
  1. **Area.** The area consists of one or more contiguous blocks where at least 75% of the blockface contains buildings which abut the street sidewalk, and at least 50% of the buildings have space at the street level which consists of retail stores, shops and restaurants. Also, the sidewalk in the area must be wide enough to allow for at least six (6) feet of width for unrestricted pedestrian movement with the sidewalk signs in place.
  2. **Maximum height.** Four (4) feet.
  3. **Maximum width.** Two and one-half (2 ½) feet, or 30% of the sidewalk width, whichever is less.
  4. **Illumination.** There shall not be any lighting allowed on the sign and the lettering shall be small enough to not

be legible from automobile traffic on the street.

5. **Detached.** The sidewalk sign shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.
6. **Location.** Sidewalk signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than six (6) feet.
7. **Encroachment agreement.** An encroachment agreement allowing for a sidewalk sign on the public right-of-way. As part of the encroachment agreement approval, each individual merchant desiring to utilize such signs, or, alternatively, the merchants association or community development agency representing such merchants collectively, shall produce a form of surety (insurance) acceptable to the City Street Department for sidewalks in the City, which protects the City or State from any liability resulting from injury or property damage caused by any such sign.
8. **Removal.** Each sidewalk sign permitted under this section shall be removed each day by the close of business, and be replaced or removed when the appearance or condition of the sign deteriorates through damage, weathering, etc.
- D. **Subdivision.** Signs identifying a recognized community, subdivision or development provided that such signs were lawfully erected pursuant to an encroachment agreement, and are consistent with an approved overall sign plan, site plan or subdivision plat. Must be included in preliminary plat or large-scale development plan.



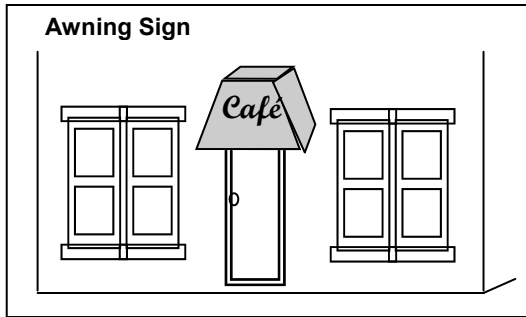
**SEC. 801.9 SIGNS PERMITTED WITH A SIGN PERMIT**

The following signs are allowed with a sign permit, subject to the size, height and location regulations specified in this Section. A common signage plan is required in accordance with *SEC. 801.2 Common Signage Plan*. Erection of the following signs without a permit is a violation of this Section.

**A. Height and Area Regulations**

Zoning District	Sign types permitted	No. of signs permitted	Max. Height (sign structure)	Maximum Sign Area (per sign face)
A1 RE R1 R2 R-3 R-4 PRD RC-2 RC-3	Monument - Subdivisions and Multifamily	2 / street entrance	5 ft.	32 sq. ft.
	Monument – Nonresidential use	1 / street entrance	6 ft.	32 sq. ft.
	Wall – Residential use	1 / building	No maximum	4 sq. ft., non-illuminated
	Wall – Nonresidential use	1 / building	No maximum	25 sq. ft.
R-O	Monument	1 / lot	6 ft.	32 sq. ft.
	Wall	1 / building	No maximum	4 sq. ft.
C-1	Monument	1 / street frontage	6 ft.	32 sq. ft.
	Wall	1 / wall For lease spaces, 1 / wall of lease space	No maximum	15% of wall area (Includes canopy, awning, window, and door signs.) A minimum of 25 sq. ft. of wall area permitted.
	Awnings	1 / lease space	No maximum	32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs.)
	Canopies	1 / canopy face	Fuel: 42" Other: 2'	12 sq. ft. (Shall be deducted from the maximum allowable area of wall signs.)
	Projecting or Suspended	1 / lease space	No maximum	Projecting: 40 sq. ft.; Suspended: 4 sq. ft.

<b>C-2 C-4 PUD I-1 I-2</b>	Monument- single tenant	1 / street frontage	8 ft.	60 sq. ft.
	Monument – multiple tenant	1 / street frontage	12 ft.	100 sq. ft.
	Wall	1 / wall For lease spaces, 1 / wall of lease space	No maximum	15% of wall area (Includes canopy, awning, window, and door signs.) A minimum of 25 sq. ft. of wall area permitted.
	Awnings	1 / lease space	No maximum	32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs.)
	Canopies	1 / canopy face	Fuel: 42" Other: 2'	12 sq. ft. (Shall be deducted from the maximum allowable area of wall signs.)
	Marquee	1 / building	8 ft.	100 sq. ft.
	Projecting or Suspended	1 / lease space	No maximum	Projecting: 40 sq. ft.; Suspended: 4 sq. ft.
<b>C-3</b>	Monument	1 / street frontage	6 ft.	32 sq. ft.
<b>C-3 DC DE</b>	Wall	1 / wall For lease spaces, 1 / wall of lease space	No maximum	15% of wall area (Includes canopy, awning, window, door and roof signs.) A minimum of 25 sq. ft. of wall area permitted.
	Awnings	1 / lease space	No maximum	32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs.)
	Canopies	1 / canopy face	Fuel: 42" Other: 2'	12 sq. ft. (Shall be deducted from the maximum allowable area of wall signs.)
	Marquee	1 / building	8 ft.	100 sq. ft.
	Projecting	1 / lease space	No maximum	40 sq. ft.
	Suspended	1 / lease space	No maximum	4 sq. ft.
	Roof	1 / building (if building is 3 or more stories)	No maximum	Deducted from the amount of wall signs permitted.

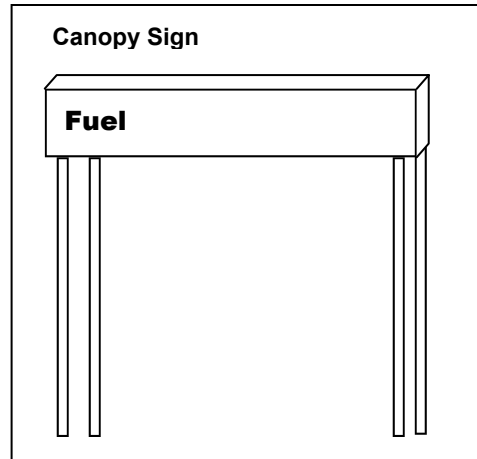


**B. Awning Signs.** An awning sign is a sign that is part of a fabric or other non-structural awning. Awning signs shall be permitted for nonresidential uses in the C-3, DC and DE zoning districts and for nonresidential zoning districts subject to the following regulations:

1. **Placement.** The sign shall be flat against the surface of the awning.
2. **Clearance.** The sign shall maintain a clearance of eight (8) feet above a public right-of-way (C-3, DC, and DE zoning districts only) or front yard.
3. **Setback.** The sign shall not be closer than two (2) feet, measured in horizontal distance, from the curb line of any street.
4. **Right-of-way.** The sign shall not extend into the right-of-way (except C-3, DC, or DE zoning districts).
5. **Fabric awnings.** Any fabric awning valance may not extend more than 1 foot below the rigid mount of the awning.

**C. Canopy Signs.** A canopy sign is a sign on or attached to any overhead protective structure that is constructed in such a manner as to allow pedestrians and vehicles to pass under. Canopy signs shall be permitted in nonresidential zoning districts, subject to the following regulations.

1. **All canopies.** In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
2. **Fuel canopies.** Signage for fuel canopies shall be limited to logo signs.



**D. Monument Signs - Nonresidential Districts.** Monument signs are subject to the following regulations:

1. **Buffer areas.** The signs may be placed within the required buffer area or within other landscaped areas.
2. **Sign setback.**

Condition	Min. setback from property line
Sign area of 32 sq. ft. or less	5 ft.
Sign area more than 32 sq. ft.	10 ft.
Sign adjacent to residential property	25 ft.

3. **Sign landscaping.** All non-residential signs require:

- (a) A defined landscaped area at the base of the sign.
- (b) The required landscaped area shall be parallel to the face[s] of the sign.
- (c) The required landscaped area shall be at least 50 square feet in area.
- (d) For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.
- (e) If the size of the site imposes practical difficulties on the placement of the plant materials, the

Community Development Department may make adjustments in these regulations.

- (f) The required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees covering at least 50% of the defined landscaped area at maturity.
- (g) Paving and artificial plant materials shall not be included in fulfilling this requirement.
- (h) A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

#### 4. Additional signs.

- (a) *Street frontage over 300 feet.* One (1) additional sign may be allowed by the Community Development Director or his or her designee for a street frontage that exceeds 300 feet. If two signs are placed on a single street frontage, no individual sign shall exceed 80 square feet in area and there shall be a minimum of 150 feet between the signs. The Community Development Director, in making a determination shall consider the approval standards found in Sec. 801.9 D.4(c) below. Each sign must meet all other regulations for free standing signs.
- (b) *Medical facilities.* The Community Development Director or his or her designee may approve additional freestanding signs for medical facilities containing 250 beds or more, subject to the following regulations:
  - i. The information contained on the sign must relate to medical facility services;
  - ii. Each sign shall not exceed 12 feet in height and 50 square feet in area;
  - iii. The number of signs allowed shall not exceed a ratio of 1 sign per 150 feet of medical facility property street frontage measured on the street on

which the signs are to be located; and

- iv. All signs associated with the medical facility shall be approved as part of a common signage plan in conformance with the regulations of Sec. 801.2 *Common Signage Plan* prior to the issuance of any sign permits.
- (c) *Considerations for approval of additional signs.* In making a determination to approve additional signs, the Community Development Director shall consider the following standards:
  - i. The signs comply with other applicable provisions of the ordinance;
  - ii. The views of adjacent properties or from adjacent properties are not impaired;
  - iii. The signs do no interfere with public utilities, government uses, transportation, and landscaping;
  - iv. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage; and
  - v. The signs do not pose a hazard to public safety.

**5. Adjacent to I-540.** Signs up to 70' in height for restaurants, hotels, motels and fuel sales establishments are allowed when the property on which the sign is located is within 500 feet of Interstate 540 between Exit 85 (southbound entrance ramp) and Exit 86 (southbound exit ramp).

**6. Materials.** The sign display area shall be completely enclosed with materials that match the façade of the principal use or similar quality, color and texture as the primary masonry materials used in the exterior finish of the primary structure on site.

**7. Design.** The top of the sign display area shall be located a minimum of twelve (12)

inches below the top of the sign structure. No air space shall be visible within or between any portion of the sign display area and sign structure.

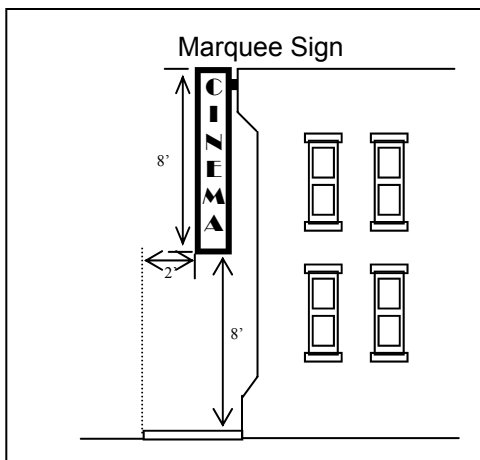
**E. Monument Signs - Residential Districts.**

Monument signs to identify residential subdivisions, PUD's, PRD's or multifamily developments shall be permitted in all residential districts, subject to the following regulations:

1. *Subject.* No commercial message shall be placed on the identification sign.
2. *Permanent feature.* Identification signs shall be incorporated into a permanent landscape feature such as a wall, fence, or masonry column.

**F. Marquee Signs.** A marquee is a sign used to identify a theater or a sign projected over the entrance to a theater. Marquee signs shall be permitted in commercial zoning districts, subject to the following regulations:

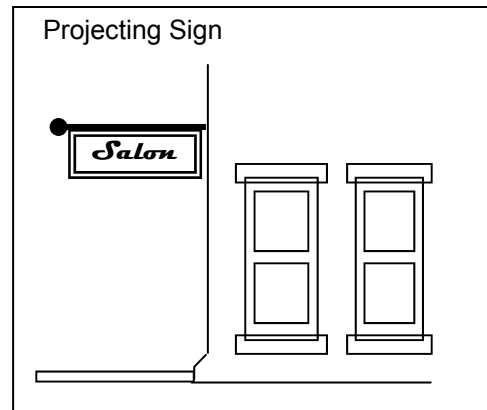
1. **Clearance.** The sign shall maintain a vertical clearance over a sidewalk of at least eight (8) feet.
2. **Setback.** No marquee sign may be closer than two (2) feet, measured in horizontal distance, from the curb line of any street.
3. **Length.** The sign may extend the full length of the marquee on theaters, auditoriums and assembly halls.



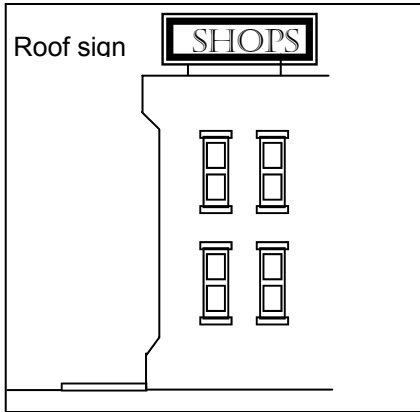
**G. Noncommercial Signs.** Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this ordinance. Noncommercial signs are subject to the same permit regulations, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

**H. Projecting Signs.** A projecting sign is a sign that forms an angle with the building that extends from the building and is supported by the building. Projecting signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

1. **Extending above wall.** The sign may not extend above the top of the wall to which it is attached, except that a sign 18 inches or less in width and perpendicular to such wall may extend up to a maximum of two (2) feet beyond the top of the wall.
2. **Setback.** The sign may not extend into a required front yard more than six (6) feet and no closer than two (2) feet measured in horizontal distance from back of curb of any street.



- I. **Roof Signs.** A roof sign is higher than the roof to which it is attached. Roof signs shall be permitted on buildings of three (3) stories or more in the Central Business District (C-3, DC or DE zoning districts) or in the Downtown Redevelopment District. Multiple signs shall have uniform graphics or lettering styles.



- J. **Suspended Signs.** A suspended sign is a sign attached to the underside of a horizontal plane or arm and is supported by the horizontal plane. Suspended signs shall be permitted in all nonresidential zoning districts, subject to the following regulations:

1. **Clearance.** The sign shall allow an eight (8) foot clearance to the walking surface.
2. **Setback.** No sign shall be closer than two (2) feet measured, in horizontal distance, to the curb line of any street.

- K. **Wall Signs - Nonresidential Districts** (Includes Window Signs). A wall sign is any sign, other than a projecting or suspended sign, that is attached to or painted on any wall of any building. Wall signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

1. **Extending beyond building.** The sign shall not extend more than 12 inches beyond the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.
2. **Extending beyond wall.** The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on two (2) adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
3. **Calculating sign area.** The total sign area for wall signs shall be the sum of all signs on the wall including signs on the wall surface, signs affixed to the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, door signs, signs on the lower slopes of roofs or canopy roofs, and signs on parapets above roofs.

**SEC. 801.10 SIGNS PERMITTED WITH A TEMPORARY SIGN PERMIT**

**A. Special Sales Events and Promotions.**

Temporary signs, such as banners, are those that are intended for a temporary use and are not permanently mounted. Temporary signs shall be permitted in all zoning districts for special sales events and promotions, subject to the following regulations:

1. **Maximum number permitted per event.** Only one (1) sign shall be allowed per business per special sales event or promotion.
2. **Display period.** The temporary sign shall be displayed for not more than 15 consecutive days.
3. **Maximum number permitted per year.** Each business site may be issued only four (4) permits for a temporary sign within a 12 month period. Each 12 month period shall begin with the issuance of the first permit and shall expire 12 months from that date. New businesses shall be permitted one additional special event sign per wall up to 6 consecutive months to announce the opening of the business, subject to the maximum area of 32 square feet per sign. Signs announcing employment opportunities for an on-site business shall be exempt from this requirement, subject to the maximum area of 32 square feet per sign.
4. **Banners.**
  - a. **Maximum area.** 32 square feet.
  - b. **Display location.** The temporary banner shall be attached to the building or a permanent freestanding sign.
5. **Freestanding.**
  - a. **Maximum area.** 6 square feet.
  - b. **Display location.** Private property and outside of the right-of-way and sight triangle.
6. **Subject.** The temporary sign shall be for a special sales event or promotion, not a routine business activity.

7. **Exception.** This section shall not affect signs regulated in Sec. 801.7 *Non-profit announcements* for public and non-profit events.

8. **Conformance with other regulations.** The temporary sign shall conform to the regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.

**B. Vertical Streetscape Banners.** Vertical streetscape banners placed along thoroughfares to enhance the visual aesthetics of the streetscape typically attached to a street light pole are permitted, subject to the following regulations:

1. **Locations.** Vertical streetscape banners may be located within the Downtown Redevelopment District, in a City Council approved Business Improvement District, or other locations as approved by City Council.
2. **Applicants.** Eligible applicants include non-profit organizations, charitable, or civic organizations, to include but not limited, to an approved Business Improvement District, Downtown Bentonville, Inc, Bentonville Convention and Visitor's Bureau, City of Bentonville, and Bentonville / Bella Vista Chamber of Commerce.
3. **Subject.** Such signs shall be solely decorative, noncommercial or promote a special public or non-profit event and shall not display a logo, message, statement, or expression relating to commercial interests.
4. **Size.** Each banner shall not exceed a maximum size of 2 ½' in width and 5' in length.
5. **Attachment.** Each banner shall be individually attached to an existing pole, mast arm or other permanent structure. Any vertical streetscape banners proposed to be attached to a city street light shall be installed by the Electric Department. No more than two banners, on opposing sides, may be mounted to each light pole.

6. **Display period.** Banners for events shall not be placed earlier than two weeks prior to the event and shall be removed within 3 days after the event. All other banners may remain in place for up to a year if they do not become torn, faded, loose or otherwise in disrepair.
7. **Multiple banners.** An overall signage plan shall be approved when multiple vertical streetscape banners are placed on a lot or street section. All banners on the same lot shall be consistent in terms of colors and materials used.

## **SEC. 801.11 SIGNS NOT PERMITTED**

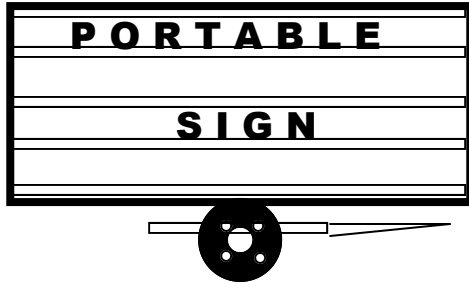
The following signs shall be prohibited, and may neither be erected nor maintained:

- A. **Fluctuating illumination.** Signs, or any means of advertising, with the illusion of movement by means of a preprogrammed repetitious sequential switching of action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns. Illumination of attraction devices or signs that fluctuates in light intensity shall be prohibited. Signs that operate or employ any motion picture projection in conjunction with any advertisements shall be prohibited. Changeable copy shall be permitted so long as it is in compliance with Sec. 801.6.G.
- B. **Obsolete signs.** Obsolete signs or signs which have broken supports or are overgrown with vegetation.
- C. **Off-site signs.** Off-site signs are signs that direct attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located. Off-site signs include any sign which has been used as an off-site sign at any point after February 27, 2001.

*Exceptions.* This provision shall not prohibit the following signs:

1. Off-site signs that existed on or before February 27, 2001 in the City of Bentonville;
2. Off-site signs that are located along federal aid primary highways or interstate highways for which sign compensation is regulated by state and federal law;
3. Off-site signs that were erected and are permitted and maintained in compliance with state regulations and this ordinance; and
4. Off-site signs specifically permitted within this ordinance.





- D. Portable signs.** Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs: with attached wheels; converted to A- or T-frame signs; menu and sandwich board signs; gas, air or hot air filled displays; and hand carried signs promoting a commercial interest.
- E. Vehicle signs.** Signs attached to or painted on vehicles including automobiles, trucks, boats, campers, and trailers, which are parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purpose of providing advertisement for products or services or directing people to a business or activity. This definition is not to be construed to include those signs that identify a firm or its principal products on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time said vehicle is regularly and customarily used to traverse the public highways during the normal course of business. See Art. 601.9 for regulations regarding commercial vehicles in residential zones.
- F. Rotating or revolving signs.**
- G. Strung lights.** Lights strung across buildings or property, except those allowed under Sec. 801.7.G Holiday Lighting.
- H. Windblown.** Fluttering, spinning, windblown or inflated devices including pennants, propeller discs, and balloons. Flags, other than governmental or corporate, are prohibited.

*Exception:* Balloons shall be permitted for three (3) consecutive days for a grand opening event.

- I. Others not exempt.** All other signs which are not expressly exempt from regulation and expressly permitted under this section.
- J. Pole Signs.** Any sign that meets the definition of "pole sign" in Article 201 Definitions shall not be permitted, with the exception of those expressly permitted within this chapter.

## **SEC. 801.12 DIGITAL BILLBOARDS**

*(Ord. No. 2010-43, 06-22-2010)*

Digital billboards (smartboards) shall be permitted subject to acquiring a conditional use permit as set forth in Art. 301.4 Conditional Uses and meeting the following regulations.

- A. Replacement Ratio.** Digital billboards shall only be permitted to replace existing legally nonconforming off-site signs at a ratio of one digital billboard face for every four (4) existing legally nonconforming sign faces removed. The existing off-site signs shall be removed prior to installation of the digital billboard that is replacing the off-site signs being removed.

Only billboards existing prior to June 22, 2010 shall be allowed to count toward the removal ratio. Any billboard outside of the city limits and built after June 22, 2010 then annexed into the city shall not be permitted to count toward the removal ratio. *(Ord. No. 2011-47, 05-10-2011)*

- B. Priority for Removal.** The Planning Commission shall retain the right to approve, through the conditional use process, which billboards will be permitted to be removed to meet the removal ratio, using the following priority rankings:

- a. Nonconforming billboards located on Walton Boulevard.
- b. Double-deckers within the Bentonville city limits.
- c. Nonconforming billboards located on the same roadway as the proposed digital billboard.

- C. Location.**

- a. **Signs per Lot.** Only one (1) digital billboard sign structure shall be permitted per lot. Double sided signs shall be permitted.

- b. **Zoning.** Digital billboards shall only be permitted in A-1, C-1, C-2, I-1 and I-2 districts.
- c. **Setback.** Digital billboards shall be placed behind the front, side and rear setback of the district.

**D. Dimensions.**

- a. **Maximum Height.** Digital billboards shall not exceed 30' in height when adjacent to arterials and shall not exceed 45' in height when adjacent to Hwy 71/I-540. Digital billboard height is measured from the street grade that the sign is oriented toward.
- b. **Maximum Sign Area.** Digital billboards shall not exceed 300 sq. ft. in sign area when adjacent to arterials and shall not exceed 480 sq. ft. when adjacent to Hwy 71/I-540. The size of the replacement digital billboard may not exceed the size of the smallest existing off-site sign removed.

**E. Display.**

- a. **Static Messages.** Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or the varying of light intensity during the static display period.
- b. **Dwell time and transition time.** Messages on digital billboards shall be displayed for a minimum dwell time of eight (8) seconds and maximum transition time between messages shall not exceed one (1) second.

**F. Lighting.**

- a. **Maximum brightness.** Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a distance of 200' for a 10'6 X 36' board and 150' for a 12 X 24 board. Documentation shall be provided to the City at time of permit issuance certifying the digital billboard has been

set to be incapable of exceeding .3 foot candles above ambient light.

- b. **Light sensing device.** Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

**G. Separation Requirements.**

- a. **Distance from residential.** Digital billboards shall be prohibited within 250 feet of a residentially zoned property.
- b. **Distance from intersection.** Digital billboards shall be prohibited within 150 feet of an intersection with a traffic signal, measured from the centerline of the intersection.
- c. **Distance from other off-site signs.** Digital billboards shall be located such that it meets the following minimum spacing requirements from other digital billboards and off-site signs.

	Existing Digital Billboard	Existing Off-site Sign
New Digital Billboard / Same Side of Street	2,500 ft	1,000 ft
New Digital Billboard/ Opposite Side of Street	1,000 ft	500 ft

- H. **Landscaping.** All digital billboards shall be landscaped in accordance with Sec. 801.9.D.3 Freestanding Signs – Nonresidential District, Sign Landscaping and meet the following requirement: Trees and shrubs shall be selected such that the mature height of the selected species is tall enough to reach the base of the sign face. For monument style boards, low lying shrubs may be used in place of tree requirements at a ratio of 1:1.

- I. **Malfunction default.** Each digital billboard shall have a default mechanism built in to either turn the display off or show “full black” on the display in the event of a malfunction.

- J. **Display technology.** The technology currently being deployed for digital billboards is LED (light emitting diode), but there may be alternate, preferred and

superior technology available in the future. Any other technology that operates under the maximum brightness stated in F(a) above shall not require an ordinance change for approval.

- K. Display of emergency information.** Owners of digital billboards are encouraged to coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or emergency management information.
- L. Tree cutting.** Vegetation cutting in the public rights-of-way for the purpose of clearing views for signs shall be prohibited unless approved by the Community Development Director. Cutting of any trees required by the Landscape Regulations that are located in the setback on any property for the purpose of clearing views for signs is also prohibited. Routine tree trimming and maintenance is permitted.
- M. Maintenance.** The maintenance, repair, cleaning and replacements of parts of the digital component shall be expressly allowed regardless of the conformity of the structure or site. This also applies should the sign and/or digital components become damaged.
- N. Sign Support.** Digital billboards shall be independent of support from any building and shall be structurally erected as a freestanding pole sign only, unless proposed support is approved by Planning Commission. Horizontal sign anchoring, such as torsion bars, shall be located behind the sign face(s). No skirting of support arms shall be permitted. Pole and

sign frame shall be rust free and free of peeling paint.

**SEC. 801.13 ENFORCEMENT**

Code Enforcement Officers may remove the following signs that are in violation of this ordinance: yard sale signs, garage sale signs, rummage sale signs, moving sale signs, construction signs, real estate signs, political signs, banners and temporary signs, and directional signs for religious institutions.

**SEC. 801.14 SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

Rev. 06-07-11  
Ord No. 2011-55

