

THE CITY OF GREENBRIER, ARKANSAS

ORDINANCE NO. 15-2018

AN ORDINANCE AMENDING GREENBRIER ORDINANCE 06-95 TO REGULATE THE USE AND DISPLAY OF ADVERTISING SIGNS WITHIN COMMERCIAL AND RESIDENTIAL DISTRICTS WITHIN THE CITY LIMITS AND TERRITORIAL JURISDICTIONS OF GREENBRIER.

WHEREAS, the City of Greenbrier, Arkansas has the authority and responsibility to regulate and enforce measures to protect the public peace, security, comfort, public health, safety, and welfare of its citizens, and

WHEREAS, existing ordinances and amendments currently in effect are in need of revision, consolidation, and simplification, and

WHEREAS, the City Council deems it necessary to amend previously enacted provisions of the municipal "zoning code" to regulate the use and display of advertising signs within commercial and residential districts within the city limits and territorial jurisdictions of Greenbrier.

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

**SECTION 1: Ordinance 06-95, Part I, Article VI (Special Provisions), Section 16 (Signs) shall be repealed in its entirety and replaced with the following:**

**A. General**

The regulations established herein are designed to regulate sign structures of all mediums to ensure light, air, and open space, to reduce hazards on the roadways and at intersections; to prevent accumulation of trash; and to protect property values of the entire community. The regulations for signs and other advertising structures are indicated below. See Article XI for definitions of terms.

The following general regulations apply to all signs where permitted in any zoning district:

1. No sign shall be erected or maintained at any location, or in any manner, where by reason of its position, size, shape, color(s), electronic function, or other design may obstruct, impair, obscure, interfere with, or be reasonably confused with:
  - a. An authorized traffic control sign, signal, or device, or
  - b. Emergency public service vehicle.

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2. No sign shall contain or make use of any word, phrase, symbol, shape, form, animation, or display characters in such a manner as to interfere with, mislead, impede, alarm, or confuse motorists or pedestrians. By way of limited example, an electronic sign may not use animations, colors, lights, or text in such a way that is reasonably demonstrated to cause interference with the safe operation of traffic, such as bright red or blue lights similar to law enforcement or fire vehicles.
3. If the top of the sign or sign structure extends more than four (4) feet above the ground, then said sign must be located not less than ten (10) feet above the ground and with the supporting structures so designed as to allow maximum visibility; however, this requirement does not apply if the entire sign is located at least twenty-five (25) feet from all property lines, or street curb, whichever is greater. See also Section 9, *Visibility at Intersections*.
4. No illuminated sign shall be permitted within fifty (50) feet of property in any residential use district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property. Signs may be back-lit, down-lit, or side-lit, but not up-lit from underneath the sign causing light to emit onto other structures or into the night sky. All lighted signs must meet the electrical code requirements.
5. No video, LED, or animated sign shall be permitted within two hundred (200) feet of any residential zoning district, or placed in such a location as to be visible from said district.
6. All signs and sign structures, when permitted in a district, shall be erected in conformity with the side and rear yard requirements of the district in which it is located, and shall be set back from the established street right-of-way line as not to block the view of an adjacent building, and in no case shall it be located closer than twenty-five (25) feet to the street property line.
7. Identification signs containing only the name of the public use or institution shall be permitted, and shall not exceed thirty-two (32) square feet of area, subject to other limits which might apply such as for identification signs in O-1 zones; if not attached flat against a building, the sign shall be located at least twenty-five (25) feet from all property lines. Identification signs for churches may include any information so long as it is church related, and may also include an electronic screen/display so long as flashing does not create a nuisance.
8. One (1) real estate sign advertising the sale, rental, or lease of the premises on which it is maintained shall be permitted on any lot, provided it is non-illuminated and not over six (6) feet in area. For each ten (10) feet by which the width of the lot (or two or more contiguous lots in single ownership) exceeds fifty (50) feet, one (1) square foot may be added to the allowable area of six (6) square feet, but in no case shall such aggregate area of one or more

signs on a single lot or group of contiguous lots exceed thirty-two (32) square feet. All such signs shall be set back from every street lot line at least one-half the depth of the required yard in which it is located; if the actual yard is shallower than the required yard, the sign shall be set back one-half the depth of the actual yard.

9. A subdivision sign not exceeding twenty (20) square feet in area may be placed for directional purposes on private property along each major or secondary thoroughfare surrounding a subdivision which is in the process of development and initial sales, provided that the total number of such signs for any subdivision shall not exceed four (4) and shall be removed upon completion of the development.
10. No sign which is otherwise permitted shall be painted, erected, or located upon or above the roof of any building located in any Residential District or the O-1 Office and Quiet Business District.
11. No advertisement sign or display of any kind shall be erected within the public right-of-way.
12. Electronic display, video, or LED signs may only be erected or maintained only within the following commercial zones: C1, C2, C3, O1, O2, O3, and Industrial zones. Such displays are prohibited in Residential Districts except for use by churches, as long as such displays otherwise conform to the conditions and requirements herein. See Subsection 7, above.
13. Off-premises billboards and other non-premises advertising structures are prohibited except as permitted herein. No permanent sign may be erected which advertises or describes a place of business or service on a premises not generally located on or near the immediate location or vicinity of said sign. This regulation notwithstanding, electronic signs may be temporarily programmed to display messages about special civic, educational, religious, or athletic events which are to be held in other locations. By way of limited example, a sign advertising a merchant must be located only on the actual premises of said merchant. However, the merchant may temporarily program said sign to display messages about athletic, educational, religious, or other non-commercial off-site public events without violating this ordinance.
14. Political signs are permitted to be placed or erected on private property subject to the permission of the property owner in any district for a period beginning not more than sixty (60) days prior to the election to which said signs apply and ending not more than ten (10) days following each election, provided the erector of such signs assumes reasonable responsibility for the removal and disposal of such signs after the election.
15. **Electronic Sign Permit.** Individuals or entities requesting to erect a new electronic display, video or LED sign, or those requesting to replace or

significantly alter the character of an existing electronic display, video, or LED sign after the effective date of this Ordinance (November 5, 2018) must apply for and obtain an annual permit prior to operation of said display. The fee for such permit shall be **\$75 annually** and modified from time to time by the City Council as determined necessary. Signs currently in operation on or before the effective date of this ordinance are not required to maintain such permits unless the display is replaced, relocated, or significantly altered.

16. **Site Plan Approval.** Commercial properties wishing to include both conventional signs and electronic display, video, or LED signs as part of new commercial construction must include specific building plans, architectural dimensions of the proposed sign structure, actual dimensions and location of display screen, location, and placement of said sign relative to the rest of the property when seeking site plan approval from the Planning Commission. The Planning Commission shall specifically consider the applicant's use of signage when determining whether to approve or deny all commercial site plans beginning with the effective date of this ordinance.
17. **Size of Display / Limit of One (1) Electronic Display.** No individual or entity shall erect or maintain an electronic display, video, or LED sign greater than 100 square feet. The height of the sign or structure, including supporting pole shall not exceed thirty-five (35) feet. No individual or entity shall erect more than one (1) electronic display, video, or LED sign upon the same premises, regardless of lot size or location.
18. **Adjustment of Brightness.** No electronic display, video, or LED sign shall be erected or maintained which does not feature a mechanism for controlling or dimming the brightness of the display. No electronic display, video, or LED sign shall be permitted to display text, graphics, or images measured to be brighter or higher than thirty (30) foot-candles higher than natural ambient light. The Code Inspection Officer or his designee shall maintain suitable device(s) for measuring the foot-candle of displays and is authorized to issue a verbal warning, a written warning, or citation for operator(s) found to be in violation of this ordinance.
19. No sign shall operate in such a way to include sounds, music, or audio of any type. No operator of either conventional or electronic signs may display text, images, words or graphics which portray unlawful activity, obscenity, or offend community standards of public decency.
20. **PENALTIES.** Any person or entity found to be in violation of this ordinance shall be guilty of a misdemeanor and punished with a fine not to exceed \$250 for each distinct and separate violation.

----- [end of amended text] -----

**SECTION 2:** Repeal of previous Ordinances. All ordinances found to be in conflict with this amendment are hereby repealed to the extent of such conflict.

**SECTION 3:** This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval. The changes above shall be effective as of: 11/5/2018.

PASSED:

11/5/18  
Date

APPROVED:

Sammy Joe Hartwick  
Sammy Joe Hartwick, Mayor

ATTEST:

Kyle McKinney  
Kyle McKinney, City Recorder

Prepared by Dustin Chapman, City Attorney

AFFIDAVIT OF POSTING OF ORDINANCE NO. 15-2018

I, the undersigned Affiant, having been properly sworn, do hereby state under oath that, while acting in the capacity of employee or official of the City of Greenbrier, and pursuant to the direction of the City Administration and the City's current "Posting" Ordinance, I have personally posted a true, correct, and legible copy of the above-designated City Ordinance at the following locations on the dates and at the times indicated:

1. Tires For Less, Inc. at 110 S. Broadview, on November 9, 2018, at 10:14 am/pm
2. Double B's Conoco at 4 N. Broadview, on November 9, 2018, at 10:27 am/pm
3. Same Ole Joe's Pizza at 44 S. Broadview, on November 9, 2018, at 10:21 am/pm
4. Satterfield's Station at 104 S. Broadview, on November 9, 2018, at 10:16 am/pm
5. American Drugs & Herbs at 1 E. Main St., on November 9, 2018, at 10:24 am/pm

EXECUTED this 9 day of November, 2018.

chad McMiller  
Printed Name of Affiant

chad McMiller  
Signature of Affiant

ACKNOWLEDGMENT

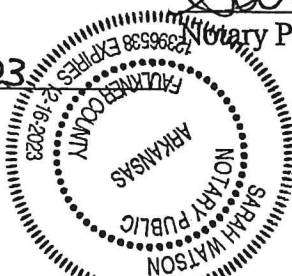
STATE OF ARKANSAS  
COUNTY OF FAULKNER

BE IT REMEMBERED That on this date came before the undersigned Notary Public, duly commissioned and acting within and for the County aforesaid, \_\_\_\_\_, satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who, after having been properly placed sworn, subscribed the same under oath, acknowledging that he/she executed the same for the consideration and purposes therein mentioned and set-forth.

WITNESS my hand and seal as such Notary Public, this 13<sup>th</sup> day of November 2018.

Sarah Watson  
Notary Public

My Commission expires: 12-16-2023  
(SEAL)



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