

CHAPTER 14.14
SIGNS ⁷⁸

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14.14.01. Purposes and intent

The purposes and intent of these sign regulations are:

- A. To encourage the effective use of signs as a means of communications within the city;
- B. To maintain and enhance the aesthetic environment and the city’s ability to attract sources of economic development and growth;
- C. To improve pedestrian and vehicular traffic and safety;
- D. To minimize the possible adverse effect of signs on nearby public and private property; and
- E. To enable the fair and consistent enforcement of these sign restrictions.

This sign ordinance is adopted under the zoning authority of the city of Batesville in furtherance of the more general purposes set forth in the zoning ordinance.

14.14.02 Applicability and effect

A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

⁷⁸ Except as otherwise noted, this entire Chapter was adopted by Ordinance Number 06-3-1. Additional provisions having a bearing on the location of signs are found in Chapter 8.32 of this Code [Ordinance 894]

The effect of this ordinance as more specifically set forth herein, is:

- A. To regulate the use of signs according to the zoning classification in which it is located, by establishing a system to allow a variety of types of signs in other zones, subject to the standards and the permit procedures of this ordinance;
- B. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
- C. To prohibit all signs not expressly permitted by this ordinance; and
- D. To provide for the enforcement of the provisions of this ordinance.
- E. This Chapter does not regulate the copy or message of signs.⁷⁹

14.14.03. Definitions and interpretation

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinances of the city shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in Sections 14.14.08 and 14.14.09 of this Chapter. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

Abandoned sign. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

Alteration. To replace, exchange, reconstruct, renovate, move, relocate, animate, enlarge or decrease in size.

Animated sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner. Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.

Billboard sign. A permanent sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located, or which business, commodity, service or entertainment forms only a minor or incidental activity upon the premises where the sign is displayed.

Building marker. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze, wood, or other permanent material.

Building sign. Any sign attached to any part of a building, as contrasted to a freestanding sign.

Canopy sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable copy sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a “time and temperature” portion of a sign and not changeable copy sign for purposes of this ordinance.

⁷⁹ Ordinance Number 2016-05-01

City. All references to city shall mean Batesville, Arkansas.

Clearance (of a sign). The smallest vertical distance between the grade and the lowest point of any sign, including framework and embellishments, extended over that grade.

Code Enforcement Officer. The Code Enforcement Officer of the city of Batesville or his or her designee.

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

Construction sign. A temporary sign identifying an architect, contractor, subcontractor, lender, and/or material supplier participating in construction on the property on which the sign is located.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, including those used as a symbol of a government, political subdivision, or other entity.⁸⁰

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in; the ground and that are independent from any building or other structure.

Height (of a sign). The vertical distance measured from the highest point of the sign, including decorative embellishments, to the crown of the adjacent street nearest the principal entrance to the zone lot.

Identification signs. A sign allowing only the address and name of occupant and not to exceed two (2) square feet.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Business name and logo allowed.

Lot. Any piece of parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument or record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Maintenance. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy design or structure of the sign.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Marquee sign. Any sign attached to, in any manner, or made a part of a marquee.

Monument sign. A sign mounted directly on the ground or mounted on a low base.

Nonconforming sign. Any sign that which was erected legally but which does not subsequently comply with the restrictions and regulations of this ordinance.⁸¹

Off-Site sign. A permanent sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located, or which business, commodity, service or entertainment forms only a minor or incidental activity upon the premises where the sign is displayed.

Other sign. Any sign under 3’ x 5’ in size and non-electrical.

One-time event. Any activity or event which does not occur on a continuous basis. Such events may include yard sales, festivals, political elections, bazaars, special religious services or similar activities.⁸²

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

⁸⁰ Ordinance Number 2016-05-01 added the words "including those"

⁸¹ See also Section 8.32.03

⁸² Ordinance Number 2016-05-01

Permanent sign. Any sign which is permanently affixed to the ground or to a structure or building.

Person. Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Portable sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designated to be transported by means of wheels; signs converted to “A” or “T” frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Principal building. The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign. Any sign affixed to a building or wall in such a manner that is not parallel to the building.

Residential sign. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the zoning ordinance. Sign not to exceed 4’ x 8’ or thirty two (32) square foot surface space.

Roof sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Scenic corridor. A public right-of-way which, in the opinion of the Planning Commission, exhibits special aesthetic and visual characteristics worthy of protection through enhanced billboard and off-site signage regulation.

Setback. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Snipe sign. A temporary sign or poster affixed to a utility pole, tree, fence, etc.

Street. A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

Street frontage. The distance for which a lot line of a zone lot adjoins a public street, from on lot line intersecting said street to the furthest distant lot line intersecting the same street.

Temporary sign. Any sign that is used only temporarily and is not permanently mounted.

Wall sign. Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. A wall sign shall not project above the top of the wall or beyond the end of the building on which it is mounted.

Window sign. Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed on the exterior of a window or upon the

exterior of windowpanes or glass. Does not include any sign, picture, symbol, or combination thereof applied to the interior of the windowpanes or glass.

Zone lot. A parcel of land that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

14.14.04. Sign permits - generally

- A. Generally. It shall be unlawful for any person to erect, alter, relocate or keep within the city of Batesville, Arkansas, any sign or other advertising structure as defined in this ordinance, except as exempted under Table One without first obtaining a sign permit from the Code Enforcement Officer and paying any required fee. All illuminations of signs shall, in addition, be subject to obtaining a permit and maintaining the provisions of the applicable electrical code.
- B. Application for sign permit. Applications for sign permits shall be made upon forms provided by the Code Enforcement Officer and shall contain or have attached thereto the following information:
1. Name, address, and telephone number of the applicant.
 2. Location of building, structure, or lot to which or upon which the sign(s) or other advertising structure(s) is/are to be attached or erected.
 3. Position of all signs or other advertising structure in relation to nearby buildings or structures. Line-of-sight drawings may be required to insure the proposed sign does not interfere with or obstruct vehicular or pedestrian vision.
 4. Two (2) blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or in the ground for all signs on the zone lot.
 5. Name of person, firm, corporation or association erecting the structure.
 6. Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.
 7. Any electrical permit required and issued for said sign. Application requesting electrical permit for proposed sign shall accompany sign application.
 8. Such other information as the Code Enforcement Officer may require showing full compliance with city ordinance.
- C. Issuance of sign permit. It shall be the duty of the Code Enforcement Officer, upon the filing of an application for a sign requiring a permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure. Within five (5) business days of receiving an application for a sign permit, the Code Enforcement Officer shall review it for completeness. If the Code Enforcement Officer finds that it is complete, the application shall then be processed. If the Code Enforcement Officer finds that it is incomplete, the Code Enforcement Officer shall, within such five (5) business day period, send the applicant a notice of the specific ways in which the application is deficient with the applicable section of this ordinance. No work on the proposed sign may begin until all required information is complete and approved by the Code Enforcement Officer and the necessary permit issued. If the work authorized under the permit has not been completed within six (6) months after the date of issuance, the said permit shall become null and void and any fee(s) associated with the permit received by the city shall be forfeited.
- Upon issuance of the permit by the Code Enforcement Officer, no further permit or renewal of permit for that particular sign is required, unless and until there is a change in the size or shape of the sign.
- D. Fees. Each application for a sign permit shall be accompanied by the applicable fees.

14.14.05. Permits to construct or modify signs

Signs indicated as “P” on Table One shall be erected, installed, created or modified only in accordance with a duly issued and valid sign construction permit from the Code Enforcement Officer. Such permits shall be issued only in accordance with the following requirements and procedures.

14.14.06. Time of compliance: non-conforming signs and signs without permits

Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a Freestanding Sign that does not conform with the requirements of this ordinance or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of nonconforming sign, to bring it into conformity with the requirements of this ordinance.

- A. Signs requiring permits existing on effective date. For any Permanent sign existing in the city on the effective date of this Code ordinance no permit is required. However, any nonconforming permanent sign shall be brought into compliance should any of the following occur: (1) structural alteration, (2) change in size, (3) change in shape, or (4) change in location. A change in the information of the face of an existing sign is allowed.

For all signs other than permanent signs existing in the city on the effective date of this ordinance no permit is required. However, any non-conforming sign in this category shall be brought into compliance within one hundred twenty (120) days.

For any existing permanent sign on property annexed at a later date, no permit is required. However, any nonconforming permanent sign shall be brought into compliance should any of the following occur: (1) structural alteration, (2) change in size, (3) change in shape, or (4) change in location. A change in the information of the face of an existing sign is allowed.

For all signs other than permanent signs on property annexed at a later date, no permit is required. However, any nonconforming sign in this category shall be brought into compliance within one hundred twenty (120) days.

- B. Nonconforming existing signs, permits and terms. A permanent sign that would be permitted under this ordinance only with a sign permit, but which was in existence as of the effective date of this ordinance, or on a later date when the property is annexed to the city, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this ordinance, shall be considered a non-conforming sign.

Such non-conforming sign(s), meeting the definition of a permanent sign which was made non-conforming by the adoption of this ordinance, shall be brought into compliance should any of the following occur: (1) structural alteration, (2) change in size, (3) change in shape, or (4) change in location. A change in the information of the face of an existing nonconforming sign is allowed.

For all non-conforming sign(s) other than permanent signs existing in the city on the effective date of this ordinance, or on a later date when the property is annexed to the city, shall be brought into compliance within one hundred twenty (120) days.

- C. Sign removal required. A sign that was constructed, painted, installed, or maintained prior to the date of this ordinance, but for which the required time frame for compliance has lapsed shall be forthwith removed. If such sign is not removed by its owner, the Code Enforcement Officer may direct the city to remove the sign in accordance with A.C.A. §14-54-904. The expense for such removal by the city shall constitute a valid lien upon the subject real property.
- D. Option to appeal. Any owner of a nonconforming sign may request consideration for waiver(s) or variance(s) from the City Planning Commission in writing.

14.14.07. Violations and penalties

- A. Any of the following shall be a violation of this ordinance:
1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
 2. To install, create, or maintain any sign requiring a permit without such a permit; or,
 3. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign ordinance has lapsed.
- B. Penalties for violations of these regulations shall be punishable as provided in Chapter 7.04 of the Batesville city code.

14.14.08. Computations – on-site signs that are freestanding/permanent

The following principles shall control the computation of sign area and sign height as described in Table One.

- A. Computation of sign height. The height of a sign shall be computed as the distance from the grade level of the roadway to which the sign is oriented to the top of the framing along the sign face. The maximum sign height for zones T-1, C-1, I-1, and I-2 is fifty (50) feet for on-site signs.⁸³
- B. Computation of sign area. The maximum sign area for a single on-site sign that is permanently attached and freestanding is three hundred (300) square feet, except that multiple businesses advertising on the same sign shall add a maximum of forty (40) square feet for each tenant. In any event, the maximum sign area for multiple businesses on the same sign shall not exceed six hundred twenty five (625) square feet.

14.14.09. Computations of off-site signs

- A. Computation of sign height. The height of an off-site sign shall be computed as the distance from the grade level of the roadway to which the sign is oriented to the top of the framing along the sign face. The maximum sign height for off-site signs is fifty (50) feet.
- B. Computation of sign area. The maximum sign area for a single-level, off-site sign is three hundred (300) square feet. The maximum sign area for a double-stacked off-site sign is two hundred forty (240) square feet for a total combined square footage of four hundred eighty (480) square feet. When off-site signs are double-stacked, each board face shall replicate the exact length, height, and shape of its adjoining board.

14.14.10. Signs allowed on private property with and without permits

Signs shall be allowed on private property in the city in accordance with, and only in accordance with Table One. If the “A” appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter “P” appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by the column. Special conditions may apply in some cases. If the letter “N” appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

⁸³ Zoning classifications in Ordinance 06-3-1 erroneously referred to designations used prior to the passage of Ordinance Number 2001-6-1; C-1 changed to T-1, C-2 changed to C-1, and C-3 changed to C-2.

14.14.11. Temporary and portable signs

- A. Temporary signs Temporary signs shall be subject to the following requirements:
1. Duration. A temporary sign shall be allowed for a ninety (90) day period within any continuous one hundred eighty (180) day period.
 2. Number. Only two (2) temporary signs may be placed by the same business entity on the same zone lot at any one time.
- B. Individual temporary signs for one-time events are allowed without permit in any zone.⁸⁴

14.14.12. Design, construction and maintenance

- A. All signs shall be designed, constructed, and maintained in accordance with applicable provisions of the State Fire Code and Electrical Code of the city at all times.
- B. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs, other than temporary signs, shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

14.14.13. Off-site signs (includes, but is not limited to, billboard signs)

- A. An off-site sign which was in existence as of the effective date of this ordinance, or on a later date when the property is annex to the city, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but by reason of its location is not in conformance with the requirements of this ordinance, shall be considered a grandfathered off-site sign under this ordinance.
- B. In addition to the sign area and height maximums set forth in the sections above, the following provisions apply to all off-site signs:
1. Allowed only along state or federal highways;
 2. Located in C-1 zones only;
 3. Located a minimum of four hundred fifty (450) feet of any other off-site sign;
 4. No off-site sign shall be located within two hundred fifty (250) feet of a line drawn perpendicular to the right-of-way from another billboard on the opposite side of the highway;
 5. Sign faces shall be supported by a maximum of two (2) structural steel or other durable metal columns;
 6. The face, column, and foundation of the sign shall be designed to withstand a seventy (70) mile an hour wind acting against the full face of the sign.

14.14.14. Common Signage Plan

- A. No permit shall be issued for an individual sign requiring a permit unless and until a Common Signage Plan for the zone lot on which the sign will be erected has been submitted to the Code Enforcement Officer and approved by the Code Enforcement Officer as conforming to this section.

⁸⁴ Ordinance Number 2016-05-01

- B. Common Signage Plan. The owner of two or more contiguous (disregarding intervening streets and alleys) zone lots or the owner of a single lot with more than one tenant in the same building (not including any accessory building) shall file with the Code Enforcement Officer for such zone lots a Common Signage Plan conforming with the provisions of this section.
- C. Provision of Common Signage Plan. The Common Signage Plan shall contain all of the information required for exhibiting a plan that specifies standards for consistency among all signs on the zone lots affected by the Plan with regard to:
 - 1. Color Scheme;
 - 2. Lettering or graphic style;
 - 3. Lighting;
 - 4. Location of each sign on the building;
 - 5. Material; and
 - 6. Sign proportions.
- D. Limit on number of freestanding signs under Common Signage Plan. The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding to a total of two (2) sign stems; one for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs. Maximum sign area requirements detailed in the section above applies.
- E. Other provision of Common Signage Plan. The Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonable determine.
- F. Consent. The master or Common Signage Plan shall be signed by all owners or their authorized agents in such form as the Code Enforcement Officer shall require.
- G. Procedures. A master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.
- H. Amendment. A master or Common Signage Plan may be amended by filing a new master or Common Signage Plan that conforms with all requirements of the ordinance then in effect.
- I. Existing signs not conforming to Common Signage Plan. If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within five (5) years, all signs not conforming to the proposed amended plan or to the requirements of this ordinance in effect on the date of submission.
- J. Binding effect. After approval of a Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

14.14.15. Setback requirements

- A. Front Setback. No sign shall be located in the public right-of-way, except as specifically allowed in this ordinance. Any monument sign located within twelve (12) feet of the back of the curb, edge of roadway pavement or edge of graded roadway shall not exceed forty-two (42) inches in height to the top of the sign including the base. Any freestanding sign located within twelve (12) feet of the back of the curb, edge of roadway pavement or edge of graded roadway shall have a minimum clearance or distance of ten (10) feet to the bottom of the lowest point on the sign.

- B. Side setback. All signs shall be set back a minimum of ten (10) feet from the nearest side property line.
- C. Exceptions. The setback requirements of this section shall not apply to wall signs which otherwise conform to all provisions of this ordinance and which are mounted on building walls lawfully sited within the setback space.

14.14.16. Signs in the public right-of-way ⁸⁵

No signs shall be allowed in the public right-of-way, except:

- A. Permanent signs, including:
 1. Public signs erected by or on behalf of a governmental body to post legal notices, identify property (including house, building or lot number), convey public information, and direct or regulate pedestrian or vehicular traffic;
 2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
 3. Awning, projecting, and suspending signs projecting over a public right-of-way in conformity with the conditions of TABLE ONE of this Chapter.
- B. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- C. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
- D. Time of Compliance. Sign(s) located in the public right-of-way as of the date of the adoption of this ordinance may remain in place and be maintained for a period ending no later than December 31, 2006.

14.14.17. Use of a vehicle as a sign

It shall be unlawful to use a vehicle or a trailer as a sign in circumvention of this ordinance.

14.14.18. Signs exempt from regulation under this ordinance

The following signs shall be exempt from regulation under this ordinance:

- A. Any public notice or warning required by valid and applicable federal, state, or local law, regulation or ordinance;
- B. Any sign inside a building or attached to the inside of a window or door;
- C. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.

14.14.19. Signs prohibited under this ordinance

All signs not expressly permitted under this ordinance or exempt for regulation hereunder in accordance with the previous section are prohibited in the city. Such signs include, but are not limited to:

⁸⁵ See also Section 8.32.05

- A. Pennants that are weathered, wind torn, or otherwise tattered;
- B. Snipe signs

14.14.20. Abandoned signs

All abandoned signs not maintained by the owner after due notice from the Code Enforcement Officer may be removed by the city. Upon completion of the work, the city shall file and have a lien upon the real property for the cost of removing the sign.

14.14.21. Enforcement and remedies

Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or any other appropriate proceeding or remedy provided by City Code Section 2005-11-1. In addition, but not limited to, the remedy of the city shall include:

- A. Issuing a stop-work order for any and all work on any signs on the same zone lot;
- B. In the case of a sign that poses an immediate danger to the public health or safety, such signs are deemed to be a public nuisance and shall be removed by the owner upon notice from the city to remove within a stated time, and if the owner fails or refuses to remove the sign within the time specified, the city may remove the sign and charge the cost of removal to the owner or other responsible party.

14.14.22. Fee schedule

- A. Sign permit fee The fee for a sign permit approved by the Code Enforcement Officer and issued by the city of Batesville, Arkansas shall be the greater of:
 - 1. Twenty five (\$25.00) dollars, or
 - 2. An amount determined by multiplying the total cost of the sign including installation by Five Dollars (\$5.00) for each One Thousand Dollars (\$1,000.00) of the first Five Thousand Dollars (\$5,000.00) of the costs and One Dollar (\$1.00) for each One Thousand Dollars (\$1,000.00)of costs thereafter.
 - 3. Or such amounts(s) as may be established from time to time by the Batesville City Council.
- B. Sign inspection fee The fee for inspecting the site work and erection of a permitted sign shall be: Twenty-Five Dollars (\$25.00) per inspection.

14.14.23. Table One: Permitted Signs by Type and Zoning District

Sign Type	R - 1	R - 2	HR - 1	T - 1	C - 1	I - 1	I - 2	NUMBER ALLOWED
Freestanding								
Residential (footnote "a")	A	A	A	A	A	A	A	1
Commercial	N	N	N	P	P	P	P	2
Other (footnote "g")	N	N	N	A	A	A	A	AS NEEDED
Incidental (footnote "b")	N	N	N	A	A	A	A	AS NEEDED
Identification (footnote "d")	P	P	P	P	P	P	P	1
Building								
Building Marker (footnote "c")	A	A	A	A	A	A	A	1
Canopy	N	N	N	P	P	P	P	ALL SIDES
Identification (footnote "d")	A	A	A	A	A	A	A	AS NEEDED
Incidental (footnote "b")	N	N	N	P	P	P	P	AS NEEDED
Marquee (footnote "e")	N	N	N	P	P	P	P	AS NEEDED
Projecting (footnote "e")	N	N	N	P	P	P	P	2
Residential (footnote "a")	A	A	A	N	N	N	N	AS NEEDED
Roof	N	N	N	P	P	P	P	AS NEEDED
Roof Integral	N	N	N	A	A	A	A	AS NEEDED
Other	N	N	N	P	P	P	P	AS NEEDED
Wall	N	N	N	P	P	P	P	AS NEEDED
Window	N	N	N	P	P	P	P	AS NEEDED
Miscellaneous								
Temporary (footnote "f")	A	A	A	A	A	A	A	3
Banner (footnote "f")	N	N	N	P	P	P	P	2
Portable (footnote "f")	N	N	N	P	P	P	P	2
Inflatable	N	N	N	P	P	P	P	1
Flag	A	A	A	A	A	A	A	UNLIMITED

A = Allowed without Sign Permit P = Allowed with Sign Permit N = Not Allowed

- a. No commercial message on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- b. No commercial message of any kind allowed on sign (business name and logo permitted) if such message is legible from any location off the zone lot on which the sign is located.
- c. May include only building name, date of construction, or historical data on historic site.
- d. Only address and name of occupant allowed on sign. Not to exceed two (2) square feet.
- e. If such sign is suspended or projects above a public right-of-way, the issuance of a sign permit is required. Permit shall be conditioned on the sign owner obtaining and maintain in force liability insurance for such a sign in such form and such amount as the Code Enforcement Officer may reasonably from time to time determine.
- f. A Temporary Sign may remain in place for a maximum of ninety (90) days within any continuous one hundred and eighty (180) day period.
- g. Under 3' x 5' in size and non-electrical.

CHAPTER 14.20
BUILDING SET BACK LINES

Sections:

- 14.20.01 Purpose
- 14.20.02 Definitions
- 14.20.03 Building line setback plan and map adopted
- 14.20.04 Restrictions on issuing building permit
- 14.20.05 Penalty for violation

14.20.01 Purpose.

The purpose of this chapter is in furtherance of and to achieve a planned street pattern, and to insure that buildings will not be erected too near, or in the bed of projected streets or potential street widenings. (Ord. No. 683, Sec. 1)

14.20.02. Definitions.

- (a) A setback line is that line parallel to the front property line in front of which no structure shall be built;
- (b) A highway or street right-of-way line is that line which indicates the right-of-way boundary of said highway or street. (Ord. No. 683, Sec. 3)

14.20.03. Building line setback plan and map adopted.

The building line setback plan and map of date March 7, 1961, duly certified and filed with the clerk/treasurer by the Batesville Planning Commission on October 6, 1961, be and the same is hereby adopted; and a standard setback of forty (40) feet from highway or street right-of-way is hereby established. Such building line setback map indicates those streets on which the setbacks are established. (Ord. No. 683, Sec. 4)

14.20.04. Restrictions on issuing building permit.

Hereafter no building permit shall be issued to any person, firm or corporation or other owner of land bordering on any street to construct, erect, reconstruct or alter any building closer to the right-of-way designated by the setback lines herein established, together with any amendments or additions thereto adopted by the city council. (Ord. No. 683, Sec. 5)

14.20.05. Penalty for violation.

Any person, firm or corporation violating the provisions of this chapter, or who shall fail to comply with any order made thereunder, or who shall continue to work upon any structure after having received notice from the administrative official to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed One Hundred (\$100.00) Dollars for each offense; and each day such violation shall be permitted to exist shall constitute a separate offense. (Ord. No. 683, Sec. 6)

CHAPTER 14.28
MOBILE HOMES⁸⁶

Sections:

- 14.28.01 Restricted
- 14.28.02. Definitions
- 14.28.03. Regulations
- 14.28.04. Storage
- 14.28.05. Penalty

14.28.01. Restricted.

That it shall be unlawful for any person, firm, corporation or other entity to park a mobile home within the city of Batesville, Arkansas for residential purposes except as hereinafter provided in this chapter. (Ord. No. 995, Sec. 1)

14.28.02. Definitions.

In the construction of this chapter, the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- A. **MOBILE HOME** - Means a single-family living unit designed for transportation after fabrication on streets and highways on its own wheels, or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a living unit complete and ready for occupancy, except for main and incidental unpacking and assembly operations, located on jacks or permanent foundation, connected to utilities and erected in accordance with prevailing city laws.
- B. **MOBILE HOME PARK** - Means a parcel of land upon which two (2) or more mobile homes are harbored either free of charge or for revenue and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the site. (Ord. No. 955, Sec. 2)

14.28.03. Regulations.

Mobile homes for residential purposes may be parked only in Mobile Home Parks. A mobile home park may be located only in R-2 and R-3 zones. The minimum area for a mobile home park shall be five (5) acres. A mobile home park shall have a minimum of five (5) mobile home spaces. The park shall be located on a well drained site, property graded to insure rapid drainage and freedom from stagnant pools of water. Each mobile home space shall have a minimum of thirty-six hundred (3,600) square feet. A mobile home space shall be a least forty (40) feet in width. A mobile home space shall have yard setbacks of no less than seven and one-half (7 1/2) feet on all sides. A mobile home space shall have two (2) off-street parking spaces, each nine (9) feet by twenty (20) feet. All mobile home spaces shall abut a hard-surfaced driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street. Each mobile home space shall be provided with sanitary sewer and water service in a manner which meets the city sewer and water codes. All mobile home parks shall be screened around the perimeter by a six (6) foot, side-obscuring screen of permanent, year round fencing and landscaping. (Ord. No. 995, Sec. 3)

14.28.04. Storage.

A camping or recreational trailer or mobile home not exceeding twenty-one (21) feet in length may be stored in

⁸⁶ This entire section superseded by Ordinance 999, which provided a new definition of mobile home and standards for a mobile home park.

the rear yard on any lot, provided that no living quarters shall be maintained or business conducted in connection therewith while such trailer or mobile home is so parked or stored. (Ord. No. 995, Sec. 4)

14.28.05. Penalty.

Any person, firm, corporation or other entity who shall violate any of the provisions of this chapter shall, upon conviction therefore, be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed One Hundred Dollars (\$100.00), with each and every day that such violation continues to exist constituting a separate offense. However, said criminal penalties shall not be the exclusive remedy available to the city to compel compliance with this chapter, the city retaining all other methods of enforcement available to it including any type of injunctive relief or other civil remedies lawfully available to it. (Ord. No. 995, Sec. 5)

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