

ORDINANCE NO. 156

**AN ORDINANCE TO REGULATE SIGNAGE
WITHIN THE CITY AND FOR OTHER PURPOSES**

WHEREAS, the City of Goshen has minimal regulations related to commercial design standards within its Zoning Regulations;

WHEREAS, the anticipated growth of the City warrants that a comprehensive set of design standards be implemented at this time; and

WHEREAS, the City Council of the City of Goshen deems it advisable to establish more extensive regulations regarding design standards within the City of Goshen.

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

SECTION 1. PURPOSE. Good sign design, along with landscaping, is an important factor in establishing the character and identity of a community. Enacting sign legislation provides policies to ensure that consistent, attractive signage will reflect and enhance the rural traditions of Goshen. Regulations about the type, location and size of signage and as well as how signs should be erected can help avoid visual clutter and reduce the desire to compete for attention with bigger and louder signs that diminish the appeal of the City.

Signs use private land and public rights-of-way to inform and persuade the citizens 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 so as to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic character of Goshen, 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, storms or other safety considerations;
 - 2. Do not obstruct firefighting or police operations;
 - 3. Do not create traffic hazards by confusing or distracting motorists;
 - 4. Do not impair the driver's ability to see pedestrians, obstacles, 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 or safety hazard 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 create or worsen visual clutter or visual blight

7. Do otherwise protect and preserve a quality landscape in the city.

SECTION 2. APPLICATION FOR A SIGN PERMIT. All signs either permanent or temporary, except as listed in Section 7 and 8, shall require a sign permit issued by the Planning Department.

A. **Application.** Complete the Sign Permit Application provided by the City.

B. **Fee.** The applicant shall pay the fee as adopted from time to time by the 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 the 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, the dimensions of the building face shall be provided.

E. **Materials List.** A list of materials used to construct the sign.

SECTION 3. REVIEW AND APPROVAL.

A. **Approval.** After a review of the application by the Planning Commission that confirms that the sign meets zoning, electrical, and ICC Building code requirements, the applicant shall receive a permit to erect or install the approved sign.

B. **Permanent Signs.** The applicant shall request an inspection after installation of permanent signs and shall be provided a certificate of compliance.

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 Planning Commission may grant one thirty (30) day extension to the sign permit.

2. Successors. A new sign permit will be required only if the name of the business or logo changes.

C. Temporary Sign. Temporary sign permits will only be allowed for special occasions (Grand Openings, Seasonal Sales, Going Out of Business and other special occasions). These permits will only be allowed for ten (10) business days. A one time extension for ten (10) additional business days may be granted administratively by either the Chair of the Planning Commission or the Mayor.

D. Revocation of Permits. The City 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 shall be reviewed and may be approved by the Planning Commission.

SECTION 4. 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 rectangular sign boundary.

D. Maximum height. Height is measured from the lowest point at which the sign and supports are attached to the ground, measured to the highest point on the top of the sign or structure.

E. Appeal of Interpretation. All administrative interpretations of sign regulations may be appealed to the Planning Commission. The Planning Commission may consider certain alternatives to this ordinance when overall compliance with the landscaping and commercial design standards is demonstrated.

SECTION 5. 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 and construction site signs.
- c. Yard sale.
- d. 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 twenty five feet (25') along each right-of-way starting at the intersection point or as defined by applicable state or federal transportation design rules and regulations. No signs or structures between thirty inches (30") and sixty inches (60") in height will be allowed within the sight triangle.

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.

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. The front face of all signs must be located a minimum of five (5) feet behind the public right-of-way.

F. **Illumination**

1. **Source.** Sign illumination shall not interfere with traffic safety and conform to Lighting Ordinance [Ordinance No. 107, as well as any amendments thereto, such as Ordinance 158].

2. **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 and conforming to Lighting Ordinance [Ordinance No. 107, as well as any amendments thereto, such as Ordinance 158].

3. **Extraneous lights.** Signs shall not be illuminated by a string of lights or other extraneous lighting placed around the sign.

G. **Changeable Copy Signs.** Electronically changeable copy signs are prohibited. Manual changeable copy signs are allowed only for institutional buildings and shall comply with Section 9.

H. **Nonconforming, Obsolete, and Unpermitted Signs.** 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 replaced with new sign, is substantially changed, with a change of use of the site or site is abandoned for more than sixty (60) days. At that time, the sign shall be removed or replaced with a sign compliant with these regulations.

SECTION 6. SIGNS PERMITTED WITHOUT A PERMIT. The following signs shall be permitted in all zoning districts. No sign permit shall be required.

A. **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).

B. **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 of historical, civic, cultural, natural historical, scientific, or architectural significance. Historical markers are subject to the following regulations:

1. **Maximum area.**
Freestanding: Twelve (12) 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.

C. **Holiday decorations.** Temporary lighting and displays that are part of customary holiday or religious 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 decorations shall not be located in the right-of-way.

D. **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.

E. **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.

F. **Non-profit announcements.** Announcements by public or not-profit organizations

of fund raising events, special events or activities of interest to the general public, other than election signs, are subject to the following regulations.

1. Maximum area
Residential: Six (6) square feet
Non-residential: Six (6) 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 and removed within three (3) days after the event.
4. Banner attachment. Banners, when allowed, shall be attached to a fixed structure.
5. Exceptions to this Subsection F may be granted by the City Council.

G. Public notice. Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance.

H. 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.

I. Public sign. Any federal, state or local traffic control or other public sign.

J. Election signs. The City recognizes the importance of content-neutral election signs in the exercise of free speech. The City hereby finds it necessary to regulate certain aspects of election signs:

1. No election sign may be erected prior to (60) sixty days before an election cycle and must be removed five (5) calendar days after the election.
2. No election sign may be placed inside any city right-of-way or upon any bridge, or any pole used for public utility, or traffic control signals, or street sign.
3. Election signs shall be no larger than sixteen (16) square feet with maximum height of four (4) feet. Placement of election signs on roofs is prohibited. Election signs can not be stacked on top of each other. Election signs must be ground or wall mounted.
4. Election signs placed on private property must have the expressed consent of the property owner.
5. Election signs shall not be illuminated.
6. Any election sign deemed to have damaged public property or be in non-conformance with this ordinance shall be subject to immediate removal by the City. If information is provided to the City or included on the sign indicating whom to contact regarding the sign, the City shall provide notice to the contact following removal of the sign.

K. Real estate signs - residential. Real estate signs in residential districts.

1. General.
 - a. Location. No real estate signs shall be located in the public right-of-way.

b. Removal. Signs for properties for sale shall be removed within three (3) days 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: four (4) sq. ft; with riders: six (6) sq. ft.

b. Maximum height. Four (4) feet

c. Maximum number permitted.

Freestanding - One (1) per street frontage.

d. Riders permitted. Two sign riders are permitted as long as the maximum sign area does not exceed six (6) square feet.

3. Off-site signs. Off-site directional real estate signs are not permitted.

L. Real estate signs - commercial. Real estate signs in commercial districts subject to the following regulations:

1. Maximum area. Sixteen (16) square feet.

2. Maximum height. Four (4) feet. (if freestanding)

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.

M. Vending machines, ATMS, gas pumps - commercial. Vending machines, automatic tellers, or gasoline pumps which display the name, trademark or logo of the company or brand or prices shall not exceed eighteen (18) square feet in area per side. The display shall be an integral part of the machine or pump.

N. Window signs - commercial. 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 forty percent (40%) of the window area.

O. Construction Site On-site signs - commercial. On-site construction site signs, subject to the following regulations:

1. Maximum area. Thirty-two (32) square feet.

2. May not be installed before the issuance of the building permit.

3. Must be removed seven (7) days after the issuance of the certificate of occupancy.

SECTION 7. SIGNS PERMITTED IN PUBLIC RIGHT-OF-WAY WITHOUT A PERMIT.

The following signs are allowed within public rights-of-way without a permit:

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 signs erected by the City, county, state or federal government.

SECTION 8. SIGNS PERMITTED WITH A SIGN PERMIT.

A. Signs in Non-Residential Districts

1. Church or School Bulletin Board - Manual copy change, one (1) per institution, maximum eight (8) feet high, maximum twelve (12) square feet area.
2. Awning Signs. An awning sign is a sign that is part of a fabric or other non-structural awning attached to a wall of a building in non-residential districts. Awning signs shall count toward the total sign area allowed and subject to the following regulations.
 - a. Placement. The sign shall be flat against the surface of the awning.
 - b. Clearance. The sign shall maintain a clearance of eight (8) feet above a public right-of-way or front yard.
 - c. Setback. The sign shall not be closer than five (5) feet, measured in horizontal distance, from the curb line of any street.
 - d. Right-of-way. The sign shall not extend into the right-of-way.
 - e. Fabric awnings. Any fabric awning valance may not extend more than 1 foot below the ridge mount of the awning.
3. Canopy signs. A canopy sign is a sign on or attached to any overhead protective structure that is built in such a manner as to allow pedestrians and vehicles to pass under. Canopy signs are prohibited.
4. Pole Signs. A pole sign is a freestanding identification sign that is supported by one or more vertical columns in non-residential districts. Pole signs are prohibited.
5. Monument Signs. A monument sign is a freestanding, two-sided identification sign that is permanently attached to the ground with no space between the ground and the sign. The sign will be measured from the lowest point on the ground to the top of the sign.
 - a. Maximum Height. Six (6) feet, length eight (8) feet
 - b. Materials. The sign display area shall be built with materials that have similar quality, color, and texture as the primary materials used in the exterior finish of the primary structure on site.
 - c. Design. No air space shall be visible within or between any portion of the sign display area and sign structure.
6. Freestanding Sign Locations
 - a. Freestanding signs may be placed within the required buffer area or other landscaped areas.
 - b. No sign can be any closer to the right-of-way of a public street or property line than twenty (20) feet.
7. Sign landscaping [See also Landscape Ordinance (Ordinance No. 157 as well as any amendments thereto)]. All non-residential freestanding signs require:
 - a. A defined landscaped area at the base of the sign.
 - b. The required landscaped area shall be parallel to the face of the signs.
 - c. The required landscaped area shall be at least fifty (50) square feet

in area.

d. 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 Planning Commission may make adjustments in these regulations.

f. The required landscaped area shall contain materials such as, but not limited to native vegetative ground covers, perennials, shrubs, and ornamental trees covering at least seventy five percent (75%) 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.

8. Projecting Signs. A projecting sign extends from the building and is supported by the building. Projecting signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

a. Design The sign may not extend more than three (3) feet and a minimum height of eight (8) feet from the finished ground surface below the sign. Materials, color and graphics shall be coordinated with the primary finish materials of the building .

9. Roof Signs. Signs on or above a roof are not allowed in any zoning district in the City of Goshen.

10. Wall Signs - A wall sign is any sign, other than a projecting or suspended sign, that is attached to or painted on any wall of a building. Wall signs shall be subject to the following regulations:

a. Location - Wall signs shall be located only on the primary entry façade of the building. The signs shall not extend beyond the wall to which it is on.

b. Design. - Signs shall be coordinated with the color, form and materials of the finish materials and design of the building,

c. Calculating sign area. Fifteen percent (15%) of total wall area (including door and window areas) or thirty (30) square feet, whichever is less. The total sign area for wall signs shall be the sum of all signs on the front wall including signs on the wall surface, signs affixed to any wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, projecting signs and door signs.

B. Entry Signs in Residential Subdivisions

1. Entry Monument Signs. Entry monument signs identify residential subdivisions. They shall have same landscape and design requirements as non-residential monument signs and are subject to the following regulations:

a. Subject. No commercial message shall be placed on the identification signs.

b. Permanent feature. Identification signs shall be incorporated into a

permanent landscape feature.

- c. Size - maximum six (6) feet high, maximum eight (8) feet long

SECTION 9. 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 ten (10) business days.
3. Maximum number permitted per year. Each business site may be issued only four (4) permits for a temporary sign within a twelve (12) month period. Each twelve (12) month period shall begin with the issuance of the first permit and shall expire twelve (12) months from that date. New businesses shall be permitted one additional special event sign per wall up to six (6) consecutive months to announce the opening of the business, subject to the maximum area of thirty (32) square feet per sign.
4. Banners.
 - a. Maximum area. Thirty (32) square feet.
 - b. Display location. The temporary banner shall be attached to the fixed structure.
5. Subject. The temporary sign shall be for a special sales event or promotion, not a routine business activity.
6. Exception. This section shall not affect non-profit announcements for public and non-profit events.
7. Conformance with other regulations. The temporary sign shall conform to the regulations for projecting signs or freestanding signs depending on the method of installation and support.

SECTION 10. SIGNS NOT PERMITTED. The following signs shall be prohibited, and may neither be erected nor maintained:

A. Obsolete signs. Obsolete signs or those which have broken supports or are overgrown with vegetation.

B. Off-site signs. Off-site signs are signs that direct attention to or advertise a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located.

C. Billboards. Large outdoor signboard which is greater than the allowed sign size.

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. Except as allowed in commercial districts.

E. Hand held commercial or human costumes. No person may display a hand held sign advertising a business along or within the street or highway right-of-way. Furthermore no person may dress in a costume to advertise a business in such a way as to divert motorist attention away from the roadway.

F. 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.

G. Rotating, revolving signs and signs with any movement of lights or structure.

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. This Subsection H only applies to commercial districts.

I. Signs with moving images.

J. Murals. Building murals are prohibited unless approved beforehand by the City.

K. Pole Signs

SECTION 11. ENFORCEMENT. The City may remove the following signs that are in violation of this ordinance: signs for yard sales, garage sales, rummage sales, moving sale , construction , real estate , election signs, banners and temporary signs. Failure to comply with any section of this sign code shall be shall be punishable by the penalties prescribed herein, per day that said violation exists. Each day shall constitute a separate and punishable offense . A person convicted of a violation of this ordinance shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed Five Hundred Dollars (\$500.00) for each day that the violation is unlawfully continued. If a violation of this ordinance is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense. The imposition of a penalty does not prevent revocation or suspension of a license. Violations of this ordinance that are continuous with respect to time, are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

SECTION 12. LICENSING. All commercial sign companies must be licensed in the State of Arkansas and hold a valid Arkansas contractor license prior to obtaining a commercial sign permit or installing a sign. Any company violating this section will be fined up to One Thousand Dollars (\$1,000.00) per day with each day constituting a separate offense. The City of Goshen will also notify the State of Arkansas Contractors Board of each violation for separate action by the State of Arkansas.

SECTION 13. 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, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 14: REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. Specifically, those sections of the Zoning Regulations as adopted by Ordinance 34 and all ordinances thereafter adopted and amending the Zoning Regulations, which refer to signs and regulations thereof, are hereby repealed.

PASSED AND APPROVED this 9th day of October, 2018



Max Poye, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles L. Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

Paula Anderson
Brian Buell
Cathy Oliver
Dick Seddon

Names Of Those Voting NAY

Absent
Andy Bethell
Lanny Samuels