

## AGENDA REQUEST

**FOR: COUNCIL MEETING OF June 3, 2014**

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**FROM:**  
CITY COUNCIL MEMBER Matthew Petty

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**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**


AN ORDINANCE TO AMEND § 174.08 **PROHIBITED SIGNS (C) PORTABLE SWINGER OR TEMPORARY ATTRACTION SIGN BOARDS TO ALLOW MORE FREESTANDING "A" FRAME SANDWICH/MENU SIGN BOARDS**

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**APPROVED FOR AGENDA:**

  
\_\_\_\_\_  
City Council Member Matthew Petty

5-21-2014  
Date

  
\_\_\_\_\_  
City Attorney Kit Williams  
(as to form)

May 14, 2014  
Date



## DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE  
CITY ATTORNEY

Kit Williams  
City Attorney

Blake Pennington  
Assistant City Attorney

Patti Mulford  
Paralegal

TO: **Mayor Jordan**  
**City Council**

FROM: **Kit Williams**, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: **May 14, 2014**

RE: **Expanding the use of "A" frame sandwich/menu board signs to all businesses rather than only restaurants**

Alderman Petty wishes to amend the Sign Ordinance in order to expand a fairly recent exception to the Prohibited Sign section of the Sign Ordinance which a few years ago allowed the use of an "A" frame sandwich/menu board sign on the sidewalk next to an "eating establishment." His new wording would expand the allowed use to all businesses.

Attached is the proposed ordinance to amend the Sign Ordinance to effectuate Alderman Petty's suggested amendment.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND § 174.08 **PROHIBITED SIGNS (C) PORTABLE SWINGER OR TEMPORARY ATTRACTION SIGN BOARDS** TO ALLOW MORE FREESTANDING “A” FRAME SANDWICH/MENU SIGN BOARDS

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 174.08 **Prohibited Signs (C) Portables swinger or temporary attraction sign boards**, subsection (1) and (3) so that (C) (1) and (3) shall read as follows:

“(1) One (1) freestanding, “A” frame sandwich/menu board may be permitted on a commercially zoned lot or on the adjacent public or private sidewalk in front of the respective business for the duration of the business’ hours of operation. The temporary sign shall be removed and placed inside after business hours.

(3) The permitted sign shall only advertise for the adjacent establishment. The sign may not be utilized for product placement or to advertise for other commercial or business establishments.”

**PASSED and APPROVED** this 3<sup>rd</sup> day of June, 2014.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

## Williams, Kit

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**From:** Pate, Jeremy  
**Sent:** Wednesday, May 14, 2014 1:48 PM  
**To:** Matthew Petty - Fayetteville Ward 2; Williams, Kit  
**Cc:** Garner, Andrew  
**Subject:** RE: Amending 174.08(C)

The Planning Division very much supports the proposed change.

-Jeremy

**From:** matt@matthewpetty.org [mailto:matt@matthewpetty.org] **On Behalf Of** Matthew Petty - Fayetteville Ward 2  
**Sent:** Wednesday, May 14, 2014 1:43 PM  
**To:** Williams, Kit  
**Cc:** Garner, Andrew; Pate, Jeremy  
**Subject:** Amending 174.08(C)

Hi Kit,

I am going to propose amending 174.08(C) so that all types of businesses may use a temporary sign. Draft below. Would you please draw up the ordinance for me?

Thanks,  
M

### **New**

C) Portable swinger or temporary attraction sign boards. It shall be unlawful for any person to continue to display or erect any portable swinger, portable message board, "A" frame, sandwich, or temporary attraction sign board in the city, except under the following conditions:

- (1) One (1) freestanding, "A" frame sandwich / menu board ~~for a single permitted eating establishment~~ may be permitted on a commercially zoned lot or on the adjacent public or private sidewalk in front of the respective business for the duration of the business' hours of operation. The temporary sign shall be removed and placed inside after business hours.
- (2) The sign shall be placed such that the sidewalk remains ADA compliant, and for signs located on the public sidewalk there shall be a minimum of five feet of the total sidewalk width free and clear, to provide adequate and unobstructed pedestrian movement.
- (3) The permitted sign shall only advertise for the adjacent ~~eating establishment, and is to be utilized for display of menu items or advertised specials.~~ The sign may not be utilized for product placement or to advertise for other commercial or business establishments.
- (4) The size of the sign shall be limited to 36" tall by 24" wide.
- (5) No sign may be displayed or erected that swings, rotates, flashes, fluctuates, or is illuminated, or in any other manner that would violate the provisions of §174.08.

TITLE XV UNIFIED DEVELOPMENT CODE

- (1) *Electronic message boards.* Electronic message boards may be permitted subject to the following conditions:
- (a) *District limitations.* Electronic message boards are prohibited in all residential districts, including Neighborhood Conservation. They are allowed only in institutional, office, industrial and commercial zoning districts, or mixed use districts with nonresidential uses, but in no case ever allowed in the Neighborhood Services or I-540 Districts.
  - (b) *Size.* The maximum sign area of the electronic portion of an electronic message board shall not exceed 32 square feet.
  - (c) *Display.* Messages shall be displayed on a black or unlit background.
  - (d) *Dimming and brightness.* Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3 foot candles illumination above ambient light level.
  - (e) *Copy.* Electronic message boards using flashing, intermittent or moving light or lights are prohibited. There shall be no appearance of visual dissolving, fading, movement, animated text, video, or flow of message.
    - (i) Electronic message boards may change their message every three hours without violating the prohibition of flashing or blinking. Transitions between messages shall be instantaneous.
- (2) *Electronic graphic display screens.* It shall be unlawful to erect any electronic graphic display screen.
- (C) *Portable swinger or temporary attraction sign boards.* It shall be unlawful for any person to continue to display or erect any portable swinger, portable message board, "A" frame, sandwich, or temporary attraction sign board in the city, except under the following conditions:
- (1) One (1) freestanding, "A" frame sandwich / menu board for a single permitted eating establishment may be permitted on a commercially zoned lot or on the adjacent public or private sidewalk in front of the respective business for the duration of the business' hours of operation. The temporary sign shall be removed and placed inside after business hours.
  - (2) The sign shall be placed such that the sidewalk remains ADA compliant, and for signs located on the public sidewalk there shall be a minimum of five feet of the total sidewalk width free and clear, to provide adequate and unobstructed pedestrian movement.
  - (3) The permitted sign shall only advertise for the adjacent eating establishment, and is to be utilized for display of menu items or advertised specials. The sign may not be utilized for product placement or to advertise for other commercial or business establishments.
  - (4) The size of the sign shall be limited to 36" tall by 24" wide.
  - (5) No sign may be displayed or erected that swings, rotates, flashes, fluctuates, or is illuminated, or in any other manner that would violate the provisions of §174.08.
- (D) *Revolving, rotating, or moving signs.* It shall be unlawful for any person to erect or to continue using any sign on the exterior of which revolves, rotates or otherwise moves, in whole or part.
- (E) *Windblown signs.* It shall be unlawful for any person to display any windblown sign; provided, windblown signs may be displayed on a lot, at a shopping center, or at a mall one time per year for a period not to exceed 72 hours if a temporary sign permit is first obtained from the Planning Division upon payment of the appropriate fee; provided further, one company flag shall be permitted to be flown in conjunction with the United States Flag or Arkansas Flag or both on a lot, at a shopping center, or mall.
- (F) *Signs that constitute a traffic hazard.* No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the wording, position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
- (G) *Use of vehicle as sign.* It shall be unlawful to use a vehicle or a trailer as a sign in circumvention of this chapter.
- (H) *Off-Site Signs.* It shall be unlawful to erect any off-site sign.
- (I) *Roof Signs.* Roof signs shall not be permitted.

