

ORDINANCE NO. 2011-47

AN ORDINANCE AMENDING ARTICLE 801 SIGNS AND BILLBOARDS OF CHAPTER 14 ZONING CODE AND AMENDING ORDINANCE NO. 2010-43 TO REGULATE ANNEXATION OF PROPERTIES THAT HAVE BILLBOARDS

WHEREAS, the regulation of signs is necessary to protect the public health, safety and welfare; and

WHEREAS, Ordinance No. 2010-43 established regulations to allow digital billboard signs upon the removal of existing billboards at a ratio of 1 digital billboard for 4 removed billboards, and,

WHEREAS, Ordinance No. 2010-43 did not establish a policy to address billboards when annexing property that has a billboard, and,

WHEREAS, a loophole is created whereby a billboard could be established on a property surrounded by city limits, then annexed strictly for the purpose of using that billboard to count toward the replacement ratio,

WHEREAS, the City desires to reduce the total number of billboards in the City limits and allow the new digital technology to be presented safely and aesthetically,

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

Section 1. That the Bentonville Municipal Code, Title 14 Zoning Code, *Sec. 801.12 Digital Billboards, A. Replacement Ratio* should be and the same is hereby amended by adding the following text:

Only billboards existing prior to June 22, 2010 shall be allowed to count toward the removal ratio. Any billboard outside of the city limits and built after June 22, 2010 then annexed into the city shall not be permitted to count toward the removal ratio.

Section 2. That the Bentonville Municipal Code, Title 14 Zoning Code, Sec. 801.12 Digital Billboards, be hereby amended by deleting Section B. Existing Double-deckers and replacing it with the following text:

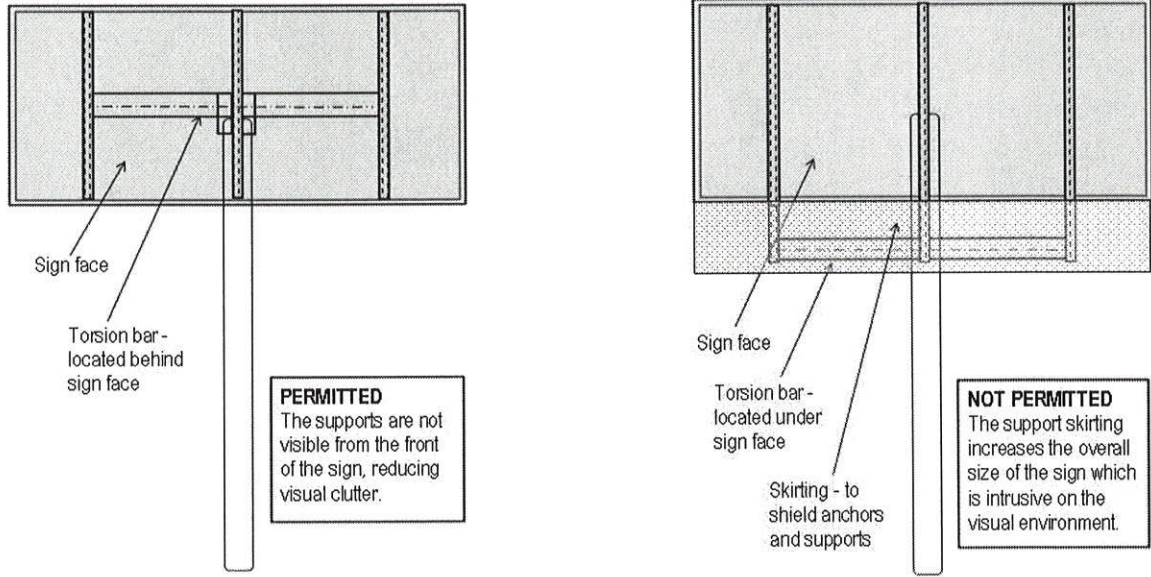
B. *Priority for Removal.* *The Planning Commission shall retain the right to approve, through the conditional use process, which billboards will be permitted to be removed to meet the removal ratio, using the following priority rankings:*

- 1. Nonconforming billboards located on Walton Boulevard.*
- 2. Double-deckers within the Bentonville city limits.*
- 3. Nonconforming billboards located on the same roadway as the proposed digital billboard.*

Section 3. That the Bentonville Municipal Code, Title 14 Zoning Code, Sec. 801.12 Digital Billboards, C. Location be amended by deleting subsection d. Anchoring.

Section 5. That the Bentonville Municipal Code, Title 14 Zoning Code, Sec. 801.12 Digital Billboards, be hereby amended by adding the following section:

N. Sign Support. Digital billboards shall be independent of support from any building and shall be structurally erected as a freestanding pole sign only, unless proposed support is approved by Planning Commission. Horizontal sign anchoring, such as torsion bars, shall be located behind the sign face(s). No skirting of support arms shall be permitted. Pole and sign frame shall be rust free and free of peeling paint.



Section 6. This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this 10th day of May 2011.

Approved:

Bob McCaslin
Mayor Bob McCaslin

Attest: Linda Spence, City Clerk

ATTEST:

Linda Spence
City Clerk