

ORDINANCE NO. 2022-51

AN ORDINANCE AMENDING APPENDIX A, ZONING CODE, ARTICLE 801, SIGN ORDINANCE – PRIVATE PROPERTY, OF THE BENTONVILLE MUNICIPAL CODE; UPDATING PROVISIONS FOR NONCONFORMING SIGNS ON PRIVATE PROPERTY; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville periodically reviews the Zoning Code;

WHEREAS, these periodic reviews occur when needed to clarify existing language or evaluate potential updates to align the code with current conditions; and

WHEREAS, this update provides equitable regulations for businesses performing construction unrelated to the nonconforming sign.

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

Section 1: Appendix A, Article 801, Section 801.12, Subsection (h), of the Bentonville Municipal Code is amended to read as shown in the attached Exhibit “A” and Municode Corporation is hereby instructed to make said amendment;

Section 2: Emergency Clause: The need to amend the City Code is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 3: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this 22 day of FEBRUARY, 2022.

APPROVED:


STEPHANIE ORMAN, Mayor

Attest:

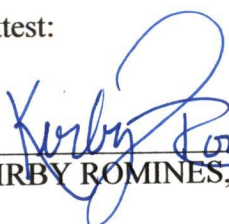

KIRBY ROMINES, City Clerk



EXHIBIT "A"

Sec. 801.12 General Regulations

(h) *Nonconforming signs.* Signs that were lawful at the time of their construction or placement but are not in conformance with current regulations shall be allowed to be maintained as nonconforming signs until such time that the sign meets any of the following conditions. At such time, the sign shall be removed or brought into compliance with this article. If only the sign face is being replaced, the nonconforming sign structure may remain.

- (1) Fifty percent of the size of the sign and/or sign structure is damaged or in a state of disrepair;
- (2) The sign is proposed for replacement or major alteration, which includes, but is not limited to, increasing the sign size or height, replacing the sign cabinet, changing or adding lighting, or any other alteration determined to be major as determined by the director;
- (3) The primary structure on the site on which the sign is located is:
 - a. Damaged by fifty percent (50%) or more of the structure's gross square footage;
 - b. Proposed for major alteration, renovation, replacement; or
 - c. Is or is proposed to be demolished;~~or~~
- (4) Development on the site on which the sign is located requires large scale development approval, including both administrative and planning commission approvals; however, such nonconforming signs shall be allowed to remain on the property, subject to large scale development approval, under the following circumstances and conditions:
 - a. The nonconforming sign remains in its current location on the site and is not:
 - i. Otherwise proposed for alteration, renovation, or replacement;
 - ii. Damaged by fifty percent (50%) or more of the structures gross square footage; or
 - iii. Is proposed to be demolished;
 - b. The development for which the large scale development approval is sought is part of the continuous operation of the same business previously operating on the site;
 - c. The overall addition in gross square footage from the large scale development is limited to no more than twenty-five percent (25%) of the gross square footage of the primary structure at the time the large scale development plan is submitted; and
 - d. Any demolition of the existing primary structure on the site does not result in the loss of more than ten percent (10%) of the existing gross square footage within the primary structure at the time the large scale development plan is submitted.

NORTHWEST ARKANSAS Democrat Gazette

P. O. BOX 1607, FAYETTEVILLE, AR, 72702 • 479-442-1700 • FAX: 479-695-0118 • WWW.NWADG.COM

AFFIDAVIT OF PUBLICATION

I, Brittany Smith, do solemnly swear that I am the Accounting Legal Clerk of the Northwest Arkansas Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of: Notice pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

City of Bentonville
Ord 2022-51

Was inserted in the Regular Edition on:
February 27, 2022

Publication Charges: \$302.48

Brittany Smith
Brittany Smith

Subscribed and sworn to before me
This 28 day of Feb, 2022.

Cathy Wiles
Notary Public
My Commission Expires: 2/20/24

****NOTE** Please do not pay from Affidavit
Invoice will be sent.**

Cathy Wiles
Benton COUNTY
NOTARY PUBLIC – ARKANSAS
My Commission Expires 02-20-2024
Commission No. 12307118

ORDINANCE NO. 2022-51
AN ORDINANCE
AMENDING APPENDIX
A, ZONING CODE,
ARTICLE 801, SIGN
ORDINANCE - PRIVATE
PROPERTY, OF THE
BENTONVILLE
MUNICIPAL CODE;
UPDATING PROVISIONS
FOR NONCONFORMING
SIGNS ON PRIVATE
PROPERTY; PROVIDING
FOR THE EMERGENCY
CLAUSE; AND FOR
OTHER PURPOSES.

WHEREAS, the
City of Bentonville
periodically reviews the
Zoning Code;
WHEREAS, these periodic
reviews occur when needed
to clarify existing language
or evaluate potential updates
to align the code with
current conditions; and
WHEREAS, this
update provides equitable
regulations for businesses
performing construction
unrelated to the
nonconforming sign.

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

Section 1:
Appendix A, Article 801,
Section 801.12, Subsection
(h), of the Bentonville
Municipal Code is amended
to read as shown in the
attached Exhibit "A" and
Municode Corporation is
hereby instructed to make
said amendment;
Section 2: Emergency
Clause: The need to amend
the City Code is immediate
and in order to protect the
public peace, health, safety,
and welfare an emergency is
hereby declared to exist and
this Ordinance shall be in
full force and effect from the

date of its passage and
approval;
Section 3: Severability
Provision: If any part of this
Ordinance is held invalid, the
remainder of this Ordinance
shall continue in effect as if
such invalid portion never
existed; and

Section 4: Repeal
of Conflicting Provisions: All
Ordinances, Resolutions, or
Orders of the City Council, or
parts of the same, in conflict
with this Ordinance are
repealed to the extent of such
conflict.

PASSED this 22 day of
February, 2022.

APPROVED:
/s/Stephanie Orman
STEPHANIE ORMAN, Mayor
Attest:
/s/Kirby Romines
KIRBY ROMINES, City Clerk

This publication was paid for
by the City of Bentonville,
Administration Department, in
the amount of \$ 302.48.

EXHIBIT "A"
Sec. 801.12 General
Regulations

(h) Nonconforming
signs. Signs that were lawful at
the time of their construction
or placement but are not in
conformance with current
regulations shall be allowed to
be maintained as
nonconforming signs until
such time that the sign meets
any of the following
conditions. At such time, the
sign shall be removed or
brought into compliance with
this article. If only the sign
face is being replaced, the
nonconforming sign structure
may remain.

(1) Fifty percent of the
size of the sign and/or sign
structure is damaged or in a
state of disrepair;

(2) The sign is
proposed for replacement or
major alteration, which
includes, but is not limited to,
increasing the sign size or
height, replacing the sign

cabinet, changing or adding
lighting, or any other alteration
determined to be major as
determined by the director;

(3) The primary
structure on the site on which
the sign is located is:

a. Damaged by fifty
percent (50%) or more of the
structure's gross square footage;

b. Proposed for major
alteration, renovation,
replacement; or

c. Is or is proposed to
be demolished; or

(4) Development on the
site on which the sign is located
requires large scale
development approval,
including both administrative
and planning commission
approvals; however, such
nonconforming signs shall be
allowed to remain on the
property, subject to large scale
development approval, under
the following circumstances and
conditions:

a. The nonconforming
sign remains in its current
location on the site and is not:

i. Otherwise proposed
for alteration, renovation, or
replacement;

ii. Damaged by fifty
percent (50%) or more of the
structures gross square footage;
or

iii. Is proposed to be
demolished;

b. The development for
which the large scale
development approval is sought
is part of the continuous
operation of the same business
previously operating on the site;

c. The overall addition
in gross square footage from the
large scale development is
limited to no more than twenty-
five percent (25%) of the gross
square footage of the primary
structure at the time the large
scale development plan is
submitted; and

d. Any demolition of
the existing primary structure
on the site does not result in the
loss of more than ten percent
(10%) of the existing gross
square footage within the
primary structure at the time the
large scale development plan is
submitted.

75523811 Feb. 27, 2022