

ORDINANCE NO. 4659

AN ORDINANCE AMENDING SEC. 98-61(a) ON BILLBOARDS WITHIN THE CITY OF SPRINGDALE, ARKANSAS, TO DECLARE AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, the City Council for the City of Springdale, Arkansas finds that in the event an existing billboard is condemned through eminent domain proceedings by the Arkansas Highway Transportation Department (AHTD) or by the City of Springdale, Arkansas, the sign should be allowed to move to another location along the thoroughfare where the sign is currently located;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that:

Section 1. Sec. 98-61(a) shall be amended to add the following:

(a) Billboards. No billboard shall be constructed, erected, used or maintained within the city except in compliance with the following provisions:

(1) Billboards shall be located only in specified commercial and industrial zones and shall not be placed within 300 feet of any residential zone.

(2) Each billboard shall have a maximum of two sign faces, one per side, supported by the same structural foundation. Each face shall have a maximum total area of 300 square feet, except that billboards located adjacent to a divided highway may have a maximum sign face area of 600 square feet. All measurements shall include sign face framework and decorative or other additions.

(3) All billboards located within the city shall meet the state's requirements for distance between billboards.

(4) No billboard shall exceed 45 feet in total height.

(5) No billboards shall be permitted in A-1 agricultural or C-3 central commercial zoning districts.

(6) No billboards shall be erected or permitted after May 27, 2008, however, a legal existing billboard may be relocated to a different location on the same property without obtaining a new permit, so long as the billboard still meets the other requirements set out in this section. Relocation of a billboard on the same property shall not violate the city's moratorium requirements on billboards.

(7) Every billboard which is permitted and legally existing on May 27, 2008, shall be deemed to be a legal nonconforming billboard. A nonconforming billboard may not be enlarged or altered in any way which increases its nonconformity, however, a legal existing billboard may be relocated to a different location on the same property without obtaining a new permit, so long as the billboard still meets the other requirements set out in this section. Relocation of a billboard on the same property shall not violate the city's moratorium requirements on billboards.

(8) A legal nonconforming billboard will become an illegal sign if more than 50 percent of the sign is removed or unassembled for a period of more than six months; or if the sign is altered or relocated in any manner which increases its

nonconformity or causes it to be less in compliance with the provisions of this chapter.

(9) A legal nonconforming billboard will become an illegal sign if the nonconforming billboard is destroyed to an extent of 50 percent or more of its sign face. The board of adjustment may grant a variance to repair or replace a destroyed nonconforming billboard, upon a showing of hardship, and application for such variance shall be made within 30 days of the nonconforming billboard being destroyed. If a variance is granted, the nonconforming billboard shall be replaced or repaired according to standards of construction then in effect.

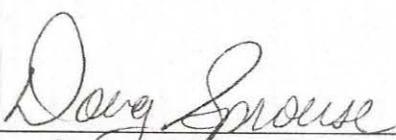
(10) In the event an existing billboard is required to be relocated by the City of Springdale or Arkansas Highway Transportation Department (AHTD) and the sign cannot be relocated on the same parcel due to landowner consent, readability conditions, or insufficient parcel size, the sign, with up to its existing size, height, dimensions, and configuration, can be relocated in the same market area, as defined in the associated appraisal report. This relocation will require a sign permit from the City of Springdale.

Section 2. Repealer Clause: All ordinances, resolutions, or parts thereof in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 3. Severability: If any section, paragraph, subdivision, clause, phrase or other provision or portion of this ordinance is adjudged to be invalid, unconstitutional, or unenforceable by any court with jurisdiction to make such determination, then such adjudication shall not affect the validity of this ordinance as a whole or any part or provision other than the part adjudged to be invalid, unconstitutional, or unenforceable, and the remaining parts and provisions of this ordinance shall be construed as if such invalid, unconstitutional, or unenforceable provision or provisions had never been contained herein.

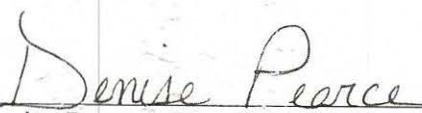
Emergency Clause. The City Council for the City of Springdale, Arkansas has determined that delay in implementing this ordinance will be detrimental to the welfare of businesses located in the City of Springdale and to the City's ability to keep the peace and to enforce local laws within the City of Springdale. Therefore, it is declared that an emergency exists and that this ordinance shall be in force and take effect immediately from and after its passage, approval, and publication..

PASSED AND APPROVED this 1/14 day of December, 2012.



Doug Sprouse, Mayor

ATTEST:



Denise Pearce, City Clerk

APPROVED:



Jeff C. Harper, City Attorney