O-20- 112

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTION 19.2 (SIGN BOARD) OF THE OLD ZONING ORDINANCE (ORDINANCE NO. 7697); DISSOLVING THE SIGN BOARD; AMENDING ARTICLE 9 OF THE CURRENT ZONING ORDINANCE (ORDINANCE NO. 9263); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on July 13, 2020, the City Council adopted Ordinance No. 9263, which repealed the majority of the previous Zoning Ordinance (Ordinance No. 7697) with the exception of Article Fourteen (Signs), Article Twenty-Two (Airport Zoning), and Section 19.2 (Sign Board of Adjustment) because the City Attorney's office and City staff were working toward revising those articles and sections, but the revisions had not been completed; and

WHEREAS, pursuant to Section 19.2 (Sign Board of Adjustment) of Ordinance No. 7697, the Sign Board was created and delegated the authority to consider variances from the terms of Article Fourteen (Signs) of the Ordinance No. 7697 (the previous Zoning Ordinance); and

WHEREAS, due to a small number of applications for variances from the terms of Article Fourteen of the previous Zoning Ordinance, the Sign Board held only three meetings during 2019 and three meetings during 2020; and

WHEREAS, the City Council has determined that applications for variances of the City's sign regulations can be more efficiently and effectively considered by the Board of Zoning Adjustment; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its residents to repeal Section 19.2 (Sign Board) of the Ordinance No. 7697 (the previous Zoning Ordinance), to dissolve the Sign Board, and to amend Article 9 of the current Zoning Ordinance (Ordinance No. 9263) to expand the number of members on the Board of Zoning Adjustment to from five (5) to seven (7) and to delegate the authority to consider variances of the City's sign regulations to the Board of Zoning Adjustment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Section 19.2 (Sign Board) of Ordinance No. 7697 (the previous Zoning Ordinance), is hereby repealed in its entirety.

SECTION 2: That the Sign Board is hereby dissolved effective immediately.

SECTION 3: That Section 9.1- Board of Zoning Adjustment (BZA) of the current Zoning Ordinance (Ordinance No. 9263) is hereby amended as follows:

Editor's note: Deletions are denoted in "**red**" by ~~strikethrough~~ and additions in "**blue**" by underline.

Section 9.1 – Board of Zoning Adjustment (BZA)

There shall be and hereby is created a Board of Zoning Adjustment (hereinafter called the "Board") consisting of ~~five (5)~~ seven (7) members. The members of the Board shall be appointed by the Mayor with the approval of the City Council for a term of three (3) years and may be removed only for cause upon written charges and after public hearing. Any vacancy which occurs in the Board shall be filled by the Mayor with the approval of the City Council for the unexpired term of any member whose term became vacant. No member of the Board shall be on the staff of the City.

SECTION 4: That the two additional members shall be appointed by the Mayor, with approval of the City Council, to serve an initial term of three (3) years.

SECTION 5: That Subsection 9.1.1 of the current Zoning Ordinance (Ordinance No. 9263) is hereby amended as follows:

Editor's note: Deletions are denoted in "**red**" by ~~strikethrough~~ and additions in "**blue**" by underline.

9.1.1: Power of the Board
The Board shall have the power to consider:

A. Appeals of a decision of an Administrative Official regarding the enforcement and application of the North Little Rock Zoning Ordinance.

B. Variances from the terms of the North Little Rock Zoning Ordinance.

C. Appeals from the enforcement and application of the North Little Rock Airport Zoning Ordinance.

D. Appeals from a decision of an Administrative Official regarding the enforcement and application of Chapter 4 (Building and Building Regulations) and Chapter 8 (Nuisance Abatement and Property Maintenance) of the North Little Rock Municipal Code.

E. Requests for reasonable accommodation as provided by the Federal Fair Housing Act and the Arkansas Fair Housing Act (hereinafter called "Fair Housing Laws").

F. Appeals as allowed in Sections 2.3.11, 2.4.5.7, 4.3.1, 6.5.2, 6.5.3, and 6.5.4 of the Small Wireless Communication Facility Regulation as set forth in Ordinance No. 9159 adopted by the North Little Rock City Council on or about August 12, 2019, as may be amended from time to time.

G. Variances from the terms of Article Fourteen (Signs) of Ordinance No. 7697 (the previous Zoning Ordinance), as may be amended from time to time (the "Sign Ordinance").

SECTION 6: That Subsection 9.1.3 of the current Zoning Ordinance (Ordinance No. 9263) is hereby amended as follows:

Editor's note: Deletions are denoted in "**red**" by ~~strikethrough~~ and additions in "**blue**" by underline.

9.1.3: Variances

The Board may authorize, upon appeal in specific cases, variance from the terms of the Zoning Ordinance and from the terms of the Sign Ordinance. Variances may be sought by applying to the Planning Department on a form prescribed by the Planning Department when accompanied by such reasonable fee as may be established by the North Little Rock City Council. Conditions fixed by the Board will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of the Code will result in unnecessary hardship; provided, however, that no variance shall be authorized unless the Board shall find that the following conditions exist:

A. The variance will not authorize the operation of a use other than the uses specifically permitted within the Zoning District of the property for which the variance is sought.

B. The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of the Code, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same Zoning District.

C. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, that the unique circumstances were not created by the owner of the property and are not due to or the result of general conditions in the Zoning District in which the property is located.

D. The variance will not substantially or permanently injure the use of adjacent conforming property in the same Zoning District.

E. The variance will not alter the essential character of the Zoning District in which the property for which the variance is sought is located.

F. The variance will not weaken the general purposes of the Code or the regulations herein established for the specific Zoning District.

G. The variance will be in harmony with the spirit and purpose of the Code.

H. The variance will not adversely affect the public health, safety or general welfare.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 8: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 9: It is hereby found and determined that the adoption of this Ordinance is immediately necessary to insure the proper administration and enforcement of the sign regulations of the City of North Little Rock, Arkansas, and is necessary for the immediate preservation of the public health, safety and welfare, THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

Mayor Joe A. Smith

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED 10:40 A.M. _____ P.M.
By Amy Fields, CA
DATE 12/8/20

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY