

COUNTY ORDINANCE NO. 0-86-27

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

BENTON COUNTY SET-BACK ORDINANCE

WHEREAS, Ark. Stat. Anno. 17-1111 allows the Planning Board to recommend to the Quorum Court implementing ordinances; and,

WHEREAS, the purpose of the set-back ordinance is to provide for the safety, aesthetic value and road improvements of Benton County.

IT IS THEREFORE, ORDAINED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, a Set-Back Ordinance to be established as follows:

ARTICLE I. DEFINITIONS:

- A.** Man-made structures – anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to advertising signs, billboards and similar structures but excluding portable animal shelters, portable storage buildings, cattle guard, traffic-control signs, and usual farm fences built of wire and posts.
- B.** Set-Back – the area in which the construction of all man-made structures is prohibited.
- C.** Arterial Roads – as defined in the official Benton County Road Plan.
- D.** Collector Roads – as defined in the official Benton County Road Plan.
- E.** Local Roads – as defined in the official Benton County Road Plan.

ARTICLE II. MINIMUM SET-BACK

No man-made structures shall be constructed within the following minimum set-back areas:

- A.** Arterial Roads – fifty-five (55) feet measured from the center line of the fronting road or twenty five (25) feet from the fronting property line, whichever is greater.
- B.** Collector Roads – Fifty-five (55) feet measured from the center line of the fronting road or twenty-five (25) feet from the fronting property line, whichever is greater.
- C.** Local Roads – Forty (40) feet measured from the centerline of the fronting road or fifteen (15) feet from the fronting property line, whichever is greater.

D. Existing subdivisions which have been approved by the County prior to the effective date of this ordinance with a lesser set-back than herein required shall be permitted to observe the set-back as shown on the recorded plat.

ARTICLE III. SAFETY AT INTERSECTIONS

For the safety and general welfare of the citizens of Benton County and to provide reasonable sight distance for motorists, no landscape or ornamental planting shall be permitted within thirty (30) feet of the intersection of a road right-of-way. The right-of-way of roads, for purposes of this regulation, shall be as defined as arterial, collector, or local roads in the official Benton County Road Plan.

ARTICLE IV. NON-COMPLIANCE CLAUSE

All man-made structures existing on the effective date of this Ordinance in the prohibited set-back areas as defined herein shall be allowed to be continued until the structure shall be destroyed or abandoned, except any such man-made structure which is listed on a state or national register of historical places may be rebuilt or restored on the same site following destruction or abandonment.

ARTICLE V. BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment shall consist of the Planning Board which shall sit as a whole.

ARTICLE VI. VARIANCE PERMITTED

The Board of Zoning Adjustment may vary the requirements of this ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration that such action will be in keeping with the spirit and intent of the provisions of the set-back ordinance. In deciding whether to grant a variance for the reconstruction of a destroyed building which building existed in the set-back area on the effective date of this ordinance, the Board of Zoning Adjustment may consider the historical significance of the destroyed building and the economic hardship on the owner of the destroyed building.

ARTICLE VII. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of the ordinance which can

be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.

APPROVED:

Became law without

Judge's signature

DATE:

11-20-86

ATTEST:

County Clerk

DATE ADOPTED: 11-13-86

SPONSOR: Rural Roads Committee