

ORDINANCE NO. O-98-33

AN ORDINANCE AMENDING THE CONWAY ZONING ORDINANCE TO FURTHER CONTROL THE LOCATION AND HEIGHT OF TRANSMISSION TOWERS AND STATIONS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

WHEREAS; transmission towers and stations are proliferating across the country, as well as in the City of Conway, and;

WHEREAS; it is desirable to establish standards for the location and height of those transmission towers and stations which go beyond the existing standards in the current Conway Zoning Ordinance;

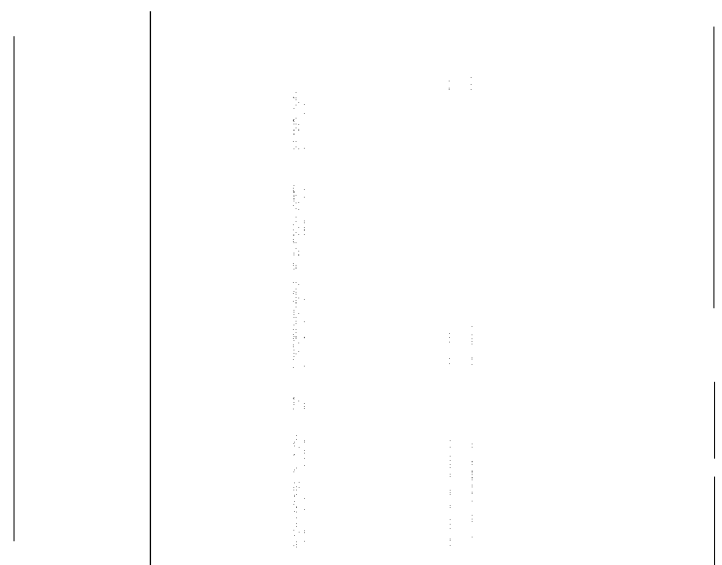
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

Section 1: That ARTICLE 401 ZONING DISTRICT REGULATIONS, SECTION 401.4 - RESIDENTIAL DISTRICTS, B. USE REGULATIONS, 1. Permitted Uses and SECTION 401.7 - A-1 AGRICULTURAL DISTRICT, B. USE REGULATIONS 1. Permitted Uses of the Conway Zoning Ordinance adopted by Ordinance No. O-94-54 are hereby amended to remove "Transmission Towers/Station" from the list of conditional uses and thus make that use neither a permitted nor a conditional use in those zones.

Section 2: That ARTICLE 401 ZONING DISTRICT REGULATIONS, SECTION 401.5 - COMMERCIAL AND OFFICE DISTRICTS, C. USE REGULATIONS, 1. Permitted Uses and SECTION 401.6 - INDUSTRIAL DISTRICT, B. USE REGULATIONS, 1. Permitted Uses and SECTION 401.8 - S-1 INSTITUTIONAL DISTRICT, B. USE REGULATIONS, 1. Permitted Uses of the Conway Zoning ordinance adopted by Ordinance No. O-94-54 are hereby amended to place an asterisk by the listed use "Transmission Tower(s)/Station" to refer to the footnote "**See Article 601 Special Provisions Conditions Applying to Uses", which footnote is also added in SECTION 401.8 - S-1 INSTITUTIONAL DISTRICT.

Section 3: That ARTICLE 601 SPECIAL PROVISIONS CONDITIONS APPLYING TO USES, SECTION 601.14 - HEIGHT, of the Conway Zoning Ordinance adopted by Ordinance No. O-94-54, the third paragraph is hereby amended to read:

"Chimneys, elevators, poles, spires, tanks, towers (except for transmission towers/station) and other projections not used for human occupancy may extend above the height limit. Transmission towers/station must conform to the height limits established for buildings in their respective zoning districts except in the industrial zoning districts (I-1, 1-2 and 1-3) where transmission towers/station may



be up to 150 feet in height. Any transmission tower/station which is not used for a continuous period of twelve (12) months must be dismantled and removed by the telecommunications service provider."

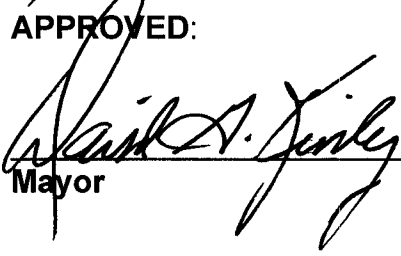
Section 4: That **ARTICLE 301 DEFINITIONS, SECTION 301.2 - DEFINITIONS OF TERMS AND USES, Transmission Tower/Station**, of the Conway Zoning Ordinance adopted by Ordinance No. O-94-54 is hereby amended to read:

"A tower and/or associated station which receives and/or sends radio and/or television waves such as radio towers. This definition does not include amateur radio communication installations. Uses shall include but not be limited to radio transmitting stations or towers and television exchange station relay towers."

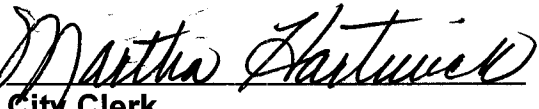
Section 5: That all ordinances in conflict herewith are repealed to the extent of the conflict.

Section 6: That this ordinance is necessary for the protection of the public peace, health and safety, and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 24th day of March, 1998.

APPROVED:


Mayor

ATTEST:


City Clerk