



City of Farmington
354 W. Main Street
P.O. Box 150
Farmington, AR 72730
479-267-3865
479-267-3805 (fax)

PLANNING COMMISSION AGENDA
March 26, 2018

**A meeting of the Farmington Planning Commission will be held on
Monday, March 26, 2018 at 6:00 p.m. at City Hall
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes - February 26, 2018
3. Comments from Citizens – the Planning Commission will hear brief comments at this time from citizens. No action will be taken. All comments will be taken under advisement.
4. **PUBLIC HEARING**
 - A. **Rezone Request:** 133 E. Neal St. from R-1 to MF-1
Property owned by: Alma Belcher
Property Location: 133 E. Neal St.
Presented by: Jerry Coyle
 - B. **Variance Request:** Lot 6 Holland Crossing Commercial subdivision-variance of the requirement to process a large scale development application.
Property owned by: Rausch Coleman Homes, LLC.
Property Location: Lot 6 Holland Crossing Commercial Subdivision
Presented by: Jesse Fulcher
 - C. **Cell Tower Ordinance**

Planning Commission Minutes
February 26, 2018

1. **ROLL CALL** – Meeting was called to order by Chairman Robert Mann. A quorum was present.

PRESENT

Jay Moore
Gerry Harris
Bobby Wilson
Robert Mann, Chair
Judy Horne

ABSENT

Howard Carter
Matt Hutcherson
Toni Bahn

City Employees Present: Melissa McCarville, City Business Manager; Rick Bramall, City Inspector; Steve Tennant, City Attorney; Chris Brackett, City Engineer

2. **Approval of Minutes:** January 22, 2018 Minutes were approved as written.
3. **Comments from Citizens:** No comments from citizens.

PUBLIC HEARING

4A. Rezoning Request for 541/555 Rheas Mill Rd. from R-1 to R-0, owned by Brent Vinson:

Brent Vinson was present to answer questions. He went on to explain that he and his family had restored an old barn that is on their property. They replaced the roof and did some other cosmetic updates to preserve the barn which is over 100 years old. The family has held several family events at the location. He has gotten several requests from the general public to use the barn for their events. The family home is on the back of the property. Brent went on to share the master plan for the barn to be used as a pavilion and landscaped park. His plan consists of dressing rooms, restrooms, office, kitchen, and more. The barn sits on a 3 acre tract of land that is just east of the Baptist Church on Rheas Mill Rd.

Judy Horne said she feels that this would be a great addition to our growing city.

Steve Tennant, City Attorney; said the main purpose for R-0 zoning is for certain businesses or home offices that are transitioning between commercial and residential zones. He does not feel that fits this particular location. He also noted that if food and/or alcohol are served it will create other issues, but those would have to be addressed by other entities. He used Pratt Inn in Fayetteville for reference which is in a commercial zone. He went on to explain the processes and requirements.

Bobby Wilson asked if Mr. Vinson had been given other options. Melissa McCarville, City Business Manager, explained that the City cannot offer options to applicants, but the Planning Commission can.

After much deliberation by the Planning Commission members decided a Conditional Use permit for one year, while leaving the property zoned R-1 might be a better solution. This would protect homeowners in the R-1 properties and the Church in the future. This provisional conditional use would

assure surrounding owners that if the operation became objectionable due to noise, traffic, or other problems that the Planning Commission would not grant another Conditional Use permit.

Public Comment:

Chris Danenhauer- 533 Rheas Mill Rd.- Mr. Danenhauer has lived next door to the Vinson property for 10 years. He said that he was a quiet, respectful, good neighbor. He stated that he is in favor of the pavilion and park. This would be a great addition to Farmington.

Miranda Lunsford- 548 Rheas Mill- was not opposed to the use of the property for events. She said she liked the idea of a conditional use. She was mainly worried about the parking and proximity of the barn.

Comments from the City:

Rick Bramall said if the structure is considered as an event center it does not qualify for R-0 zoning. Robert Mann asked Mr. Vinson if he would be willing to agree to the conditional use permit. Mr. Vinson stated he had no issues with doing a conditional use permit. Jay Moore asked if the permit went with the property or the person. Steve Tennant answered that it will be with the person.

Jay Moore moved that the Planning Commission grant a one- year conditional use permit for the property located at 541 and 555 Rheas Mill Rd contingent upon 1) the parking lot use agreement with the Baptist church being approved, 2) any music events would end at 10pm, 3) a conditional use application must be completed and 4) a city business license must be obtained. This would be done instead of rezoning the property from R-1 to R-0 as had been initially requested. Motion was seconded by Gerry Harris. Motion passed unanimously 5-0.

4B. Variance request for 541/555 Rheas Mill Rd. - variance for paved parking, owned by Brent Vinson: This request was made null void due to the vote and stipulations for a conditional use permit in 4A. The request was stricken from the record.

5. Set Public Hearing for cell tower ordinance:

Planning commission unanimously approved setting a public hearing for a revised cell tower ordinance for the next meeting on March 26, 2018.

6. Annual Election of Officers:

The annual election of officers for the next year was held with this slate of officers: Robert Mann, Chair; Gerry Harris, vice chair; Judy Horne, secretary. There were no further nominations and the officers listed were accepted by acclamation.

7. Adjournment: Having no further business, meeting was adjourned.

Judy Horne - Secretary

Robert Mann - Chair

City of Farmington, Arkansas Application for Variance/Waiver



Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission/Board of Adjustment until all information is furnished.

Applicant: Jesse Fulcher Day phone: 479-301-4639
Address: 4058 N. College Avenue Fax: _____
Representative: Jesse Fulcher Day phone: _____
Address: _____ Fax: _____
Property Owner: Rausch Coleman Homes, LLC Day phone: _____
Address: 4058 N. College Ave. Fax: _____

Indicate where the correspondence shall be sent (circle one): Applicant Representative Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)
Property description: Lot 6, Holland Crossing Commercial Subdivision
Site address: _____
Current zoning: C-2

Attach legal description and site plan (a scaled drawing of the property showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.) Attach photos if they are helpful in describing your request.

Type of variance requested and reason for request:
See attached. Variance of the requirement to process a large scale development application.

- Responsibilities of the Applicant:
1. Complete application and pay a \$25.00 application fee.
 2. Provide a copy of the deed for the property. If the property is rented, provide written permission from the owner that the variance is allowable.
 3. Written authorization from the property owner if someone other than the owners will be representing the request.
 4. Publish the following notice in a newspaper of general circulation in the City no later than 7 days prior to the meeting, A copy of the proof of publication from the newspaper must be provided to the City 3 days before the meeting:


NOTICE OF PUBLIC MEETING

A petition for a variance at the property described below has been filed with the City of Farmington on the _____ day of _____, 20____.


PLACE LEGAL DESCRIPTION HERE AND DESCRIPTION OF THE VARIANCE HERE

A public meeting to consider this request for variance at the above described property will be held on _____ day of _____, 20____, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

Applicant/Representative: *I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.*

 _____ Date 2/19/18

Property Owner/Authorized Agent: *I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating the agent is authorized to act on their behalf.)*

 _____ Date 2-18-18

Owner/Agent Signature

RECEIPT

DATE 2-20-18

No. 540329

RECEIVED FROM Rausch Coleman Dev.

\$ 25.00

Twenty five & no/100 DOLLARS

FOR RENT
 FOR Variance

ACCOUNT	
PAYMENT	<u>25.00</u>
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM _____ TO _____
BY B. Coleman

CR# 10501

February 19, 2018

City of Farmington Planning Commission

Lot 6, Holland Crossing Commercial Subdivision – Variance of Large Scale Development

Please accept this letter and the attached application as our request for a variance from the requirement to process a large scale development application for a 2,200 square foot storage building. The subject property contains approximately 4.15 acres and has been used as a storage yard for approximately 10 years. Typically, the yard has housed vehicles, construction equipment, buildings and construction offices that supported development of surrounding subdivisions. Recently, a tractor was stolen from the property. A small storage building will allow us to secure our property.

According to the development code, a large scale development plan is required for all commercial developments “without regard to lot size.” Consequently, a 2,200 square foot building on a 180,774 square foot lot must be processed as a large scale development.

A large scale development plan is submitted through a public hearing process and allows for the review of a new commercial retail center, apartment building, or industrial complex. This is particularly helpful on a greenfield site, where there are existing residential properties that may be impacted by the development. It’s also beneficial for multiple parties to review site improvements, such as street improvements and building setbacks.

However, as noted above, this is not a new land use. The property has been a storage facility for at least 10 years. And the building is smaller than an average single-family home. Further, most if not all of the typical improvements associated with a large scale development have already been completed.

Specifically:

- Holland Drive is a fully improved street
- Sidewalk has already been constructed
- A landscape island has already been established
- A privacy fence has already been constructed along the street
- There are 2 existing curb-cuts
- The site is already compacted gravel

Given the historic use of the property and the fact that all street improvements have already been made, a standard building permit and site plan, processed through City staff appears to be the most appropriate application in this case. We would appreciate a variance of the large scale development plan and the opportunity to work directly with City staff to complete our building permit.

Thanks,



Jesse Fulcher

2008



2010



2012



2014



2016



Aerials

2017



(2) 11

FILE # 03-4320

TRUSTEE WARRANTY DEED

Doc ID: 008541320002 Type: REL
Recorded: 09/25/2003 at 08:40:00 AM
Fee Amt: \$11.00 Page 1 of 2
Washington County, AR
Bette Stamos Circuit Clerk
File 2003-00050847

WACO CLO 03-4320 (Rausch-Coleman)

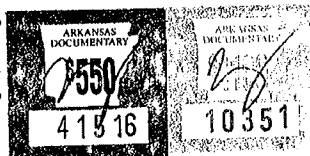
KNOW ALL MEN BY THESE PRESENTS:

That Sam Ray Welborn and Nancy Ann Welborn,
First Successor Co-Trustees of the Mary Holland
Welborn Trust u/t/a dated November, 2000
hereinafter called GRANTORS, for and in consideration of the sum of One (1.00)
dollar and other good and valuable consideration, in hand paid by
Rausch-Coleman Homes, LLC

the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and
convey unto Rausch-Coleman Homes, LLC

hereinafter called GRANTEE(S), and unto its successors and assigns
forever, the following lands lying in Washington County,

to-wit:
The NW1/4 of the NW1/4, the E1/2 of the SW1/4 of the NW1/4, a part of the SE1/4
of the NW1/4, and a part of the N1/2 of the SW1/4, all in Section 24, Township
16 North, Range 31 West, being more particularly described as follows:
Beginning at a stone marking the Northwest corner of the NW1/4 of the
said Section 24, and running thence S89°19'38"E 1323.86 feet to an iron pin
located at the Northeast corner of said 40 acre tract; thence S0°18'48"W
1316.35 feet to an iron pin located at the Southeast corner of said 40 acre
tract; thence S89°46'28"E 825.0 feet along the North line of the SE1/4 of the
NW1/4 of said Section 24 to an iron pipe; thence leaving said North line and
running S0°33'55"E 1805.22 feet to the Northeast corner of the Stapleton
Subdivision; thence S65°47'W 141.44 feet along the North line of said
subdivision; thence S80°36'W 190.41 feet along said North line of the
of said subdivision; thence leaving said North line and running North 25.0
feet, more or less, to the centerline of the North Fork of the Farmington



Continued

To have and to hold the same unto the said GRANTEE(S), and unto its successors and assigns forever,
with all appurtenances thereunto belonging.

And we hereby covenant with said GRANTEE(S) that we will forever warrant and defend the title to the said
lands against all claims whatever.

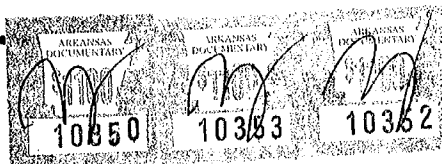
Witness our hand(s) and seal(s) as such GRANTORS, this 22nd day of September, 2003

Sam Ray Welborn co-trustee
The Mary Holland Welborn Trust u/t/a dated November 2000

Nancy Ann Welborn co-trustee
Nancy Ann Welborn, co-trustee
November 2000

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF Washington



BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public within and for the County
aforesaid, duly commissioned and acting, Sam Ray Welborn, co-trustee and Nancy Ann
Welborn, co-trustee, in their capacity(ies) as Trustee of The Mary Holland Welborn
Trust u/t/a dated November 2000

to me well known as the Grantors in the foregoing Deed, and stated that they had executed the same for the
consideration and purposes therein mentioned and set forth.

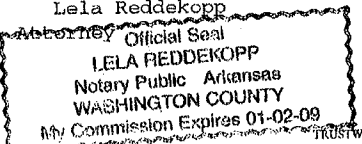
Witness my hand and seal as such Notary Public this 22nd day of September, 2003

My Commission Expires: January 2, 2009

Lela Reddekopp
Notary Public
Lela Reddekopp

Prepared under the supervision of Walter P. Mayo Attorney Official Seal

WACO Title Company
212 West Emma Avenue
Springdale, AR 72764



CONTINUATION OF LEGAL DESCRIPTION

Branch; thence Northwesterly along said centerline the following: West 20.0 feet, N46°43'26"W 112.52 feet, N80°00'W 30.0 feet, N40°00'W 50.0 feet, N75°00'W 35.0 feet, S82°00'W 20.0 feet, S61°00'W 55.0 feet, S45°00'W 45.0 feet, S77°50'28"W 160.9 feet, S62°25'57"W 15.12 feet, S62°25'58"W 49.88 feet, S40°00'20.0 feet, S30°00'W 35.0 feet, S47°00'W 15.0 feet, S80°00'W 20.0 feet, N75°00'W 75.00 feet, N65°00'W 30.0 feet, N36°34'42"W 94.92 feet, N48°00'W 80.0 feet, S75°00'W 33.0 feet, S55°00'W 25.0 feet, S25°0'W 25.0 feet, S52°07'42"W 92.95 feet; thence leaving said centerline and running N0°24'36"W 550.0 feet to the South line of the E1/2 of the SW1/4 of the NW1/4 of said Section 24; thence N89°46'W 241.21 feet to the Southwest corner of said 20 acre tract; thence N0°19'29"W 1319.73 feet to the Northwest corner of said 20 acre tract; thence N89°46'22"W 651.68 feet to the Southwest corner of the NW1/4 of the NW1/4 of said Section 24; thence N0°34'15"W 1326.81 feet to the point of beginning, containing 99.41 acres, more or less, Washington County, Arkansas. Subject to the Arkansas Western Gas line easement running Southeasterly through the running East and West through the West side, the Arkansas Western Gas line and the SWEPCO transmission line easements running East and West through the South side, and any other easements and/or right of ways of record. AND

A part of the NW1/4 of the SW1/4 and a part of the NE1/4 of the SW1/4 all in Section 24 Township 16 North, Range 31 West, being more particularly described as follows: Beginning at a point that is N0°22'52"W 1460.67 feet from the Southeast corner of the SW/4 of the SW1/4 of said Section 24, said point of beginning being located on the North right of way line of East Main Street (U.S. Highway No. 62) and running thence S71°58'55"W 95.1 feet along said right of way to an iron pin; thence leaving said right of way and running N2°27'35"W 321.56 feet to an iron pin at a fence corner; thence S84°04'33"W 312.55 feet along a fence line to an iron pin; thence N0°24'36"W 415.0 feet, more or less, to the centerline of the North Fork of the Farmington Branch; thence Easterly along said centerline the following N52°07'42"E 92.95 feet, N25°00'E 25.0 feet, N55°00'E 25.0 feet, N75°00'E 33.0 feet, S48°00'E 80.0 feet, S36°34'42"E 94.92 feet, S65°00'E 30.0 feet, S75°00'E 76.0 feet, N80°00'E 20.0 feet, N47°00'E 15.0 feet, N30°00'E 35.0 feet, N40°00'E 20.0 feet, N62°25'58"E 49.88 feet, N62°25'57"E 15.12 feet, N77°50'28"E 160.9 feet, N45°00'E 45.0 feet, N61°00'E 55.0 feet, N82°00'E 20.0 feet, S75°00'E 35.0 feet, S40°00'E 50.0 feet, S80°00'E 30.0 feet, S46°43'26"E 112.52 feet, East 20.0 feet; thence leaving said centerline and running South 25.0 feet to the Northwest corner of the Stapleton Subdivision; thence South 490.58 feet along the West line of said Subdivision to the North right of way of said East Main Street; thence Southwesterly along said right of way the following: S73°40'50"W 30.5 feet, S65°11'33"W 40.3 feet, S73°40'50"W 459.6 feet more or less to the point of beginning.

Subject to easements, rights-of-way, and protective covenants of record, if any.

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

Grantees Bausch Coleman Homes LLC
 Address P.O. Box 23422
BARLING, AR 72923

Subject to Protective Covenants and easements, if any.

City of Farmington Application for Rezoning

Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission until all information is furnished.

Applicant: Coyle Enterprises Day Phone: 479 879 6444
 Address: 930 E Parks Prairie Grove AR Fax: 479 846 4524
 Representative: Jerry Coyle Day Phone: 479 879 6444
 Address: P.O. Box 565 Prairie Grove Fax: 479 846 4524
 Property Owner: Alma Blecher Day Phone: 479-283 6567
 Address: P.O. Box 166 Farmington AR Fax: N/A

Indicate where correspondence should be sent (circle one): Applicant – Representative – Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)

Property Description
 Site Address -- 133 E Neal St
 Current Zoning -- R-1 Proposed Zoning -- MF-21

Attach legal description and site plan (a scaled drawing of the property to be rezoned showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.)

Type of zoning requested and reason for request:

MF-21 - wanting to build either 1 Duplex or 4 plex on Property

Responsibilities of the Applicant:

1. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit (see attached), that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the City of Farmington has accepted the application and the date of the public hearing has been confirmed. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy

of notice) shall be filed with the City of Farmington no later than seven (7) days prior to the meeting date. A sample notice is attached.

2. Pay a \$25.00 application fee
3. Provide a copy of the deed of the property.
4. Written authorization from the property owner if someone other than the owner will be representing the request.
5. Publish the following notice of public hearing in a newspaper serving the City (*Northwest Times, the Morning News, Arkansas Democrat-Gazette or The Farmington Post*). **THE NOTICE MUST APPEAR IN THE PAPER A MINIMUM OF 15 DAYS BEFORE THE PUBLIC HEARING DATE.**

NOTICE OF PUBLIC HEARING

A petition to rezone the property as described below has been filed with the City of Farmington on the _____ day of _____, 201_____.

PLACE LEGAL DESCRIPTION OF PROPERTY HERE

A public hearing to consider this request to rezone the above described property from _____ to _____ will be held on the _____ day of _____, 201_____, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

A copy of the proof of publication from the newspaper must be provided to the City 10 days before the meeting.

The City will post a sign on the property at a location visible to the public, notifying the public of the intent to rezone the property.

Applicant/Representative: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.

ABP Blecher _____ Date 2-19-18
Applicant Signature

Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his behalf.)

J. L. [Signature] _____ Date 2-20-18
Owner/Agent Signature

RECEIPT

DATE 2-20-18

No. 540330

RECEIVED FROM Coyle Enterprises \$ 25.00

Twenty five & no/100 DOLLARS

FOR RENT
 FOR Resone Request 133 Neal St

ACCOUNT	
PAYMENT	<u>25.00</u>
BAL. DUE	

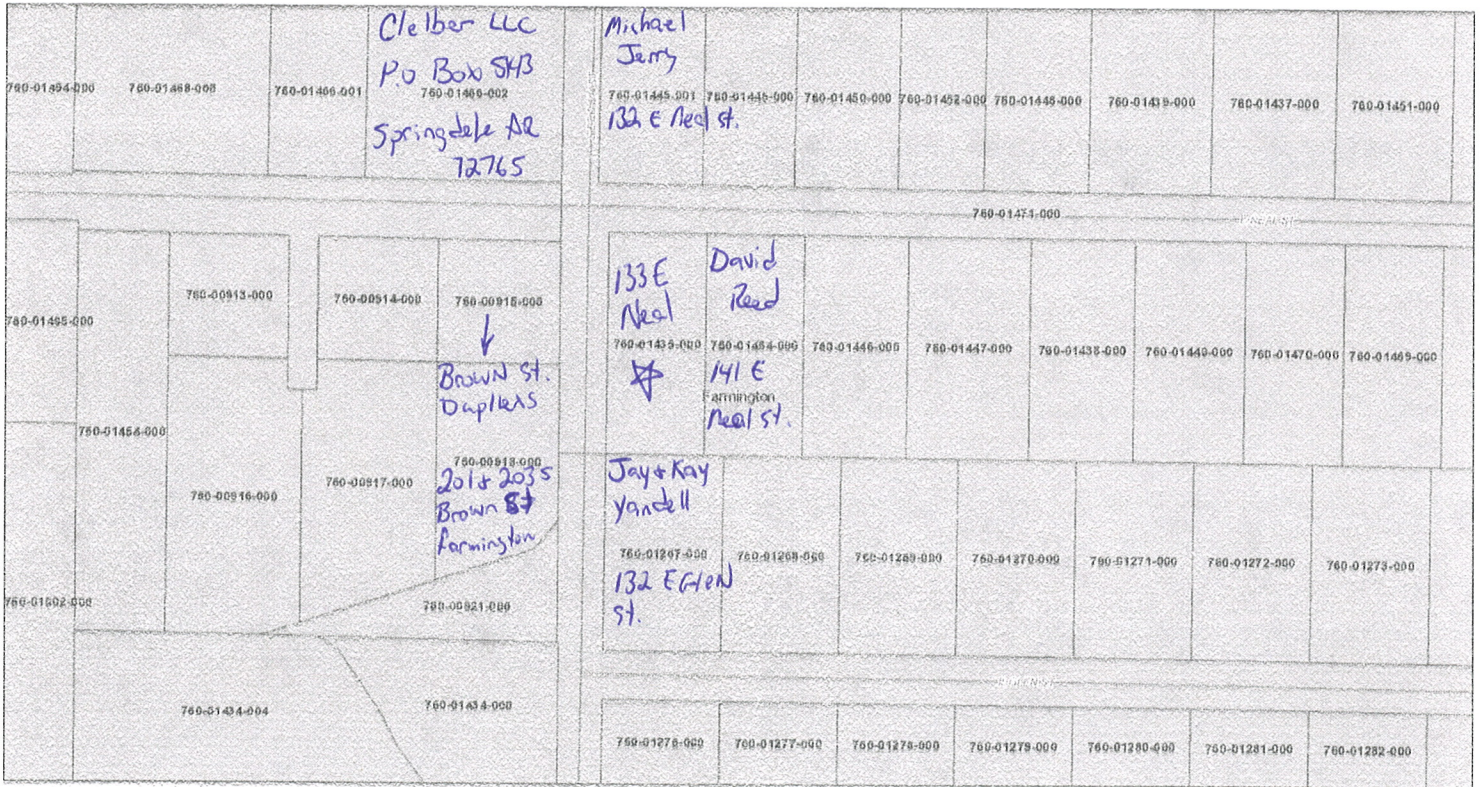
- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM _____ TO _____

BY J. Colmer

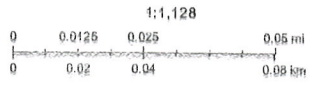
CR # 003031

Washington County Public Map System



February 20, 2018

County Street Centerlines	Demolished	BB - Boat Dock Only	City Limits	Farquigon	Fields Grove	County Boundary
Not other values	Existing	CB - Commercial Building Only	Garot Hill	Fayetteville	Belton Springs	
State Highway	New	EX - Exempt Property	Greenland	Coakley	Springdale	
Local Paved	Possibly Changed	HPR - Horizontal Property Regime	Dutton	Greenland	Sulphur City	
Local Gravel	Unknown	MH - Mobile Home	Dutch Mile	Johnson	Summers	
Interstate	Building Structure Points	RI - Rice Building Only	Elkins	Lincoln	Tribbian	
Building Footprints 2013	AB - Agr. Building Only	TWR - Tower	Jim Springs	Littoral	West Fork	
Changed	BB - Billboard Only	County Parcels	Evansville	Moscow	Winshaw	



WASHINGTON COUNTY, AR
Washington County, AR

Please Return To:

File# 2014-00021122

Lenders Title Company
3761 N Mail Avenue
Fayetteville AR, 72703
Phone: 479-444-3333
Fax: 479-443-4256

File Number: 14-042839-500

Approved as to form by:
J. Mark Spradley, Attorney-at-Law
Transactional data compiled by Lenders Title Company

FOR RECORDER'S USE ONLY

WARRANTY DEED
(UNMARRIED PERSON)

KNOW ALL MEN BY THESE PRESENTS:

That, Phillip D. Jones, Grantor, an unmarried person, for and in consideration of the sum of ---TEN AND 00/100-- DOLLARS (\$10.00)---and other good and valuable consideration in hand paid by Randolph K. Blecher and Alma Coyle Blecher, husband and wife, Grantee(s), the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee(s), and unto their heirs and assigns forever, the following lands lying in the County of Washington and the State of Arkansas to-wit:

Part of the Northeast Quarter of the Northeast Quarter of Section Twenty-Six (26), in Township Sixteen (16) North, of Range Thirty-One (31) West, Washington County, Arkansas, described as beginning 433 feet East and 400 feet South of the Northwest corner of said forty acre tract, and running thence East 80 feet; thence South 200 feet; thence West 80 feet; thence North 200 feet to the place of beginning, the North 20 feet of said lot is embrace in the Public Street.

Subject to any recorded: assessments, building lines, easements, mineral reservations and/or conveyances, and restrictions, if any.

TO HAVE AND TO HOLD the above described lands unto the Grantee(s) and their heirs and assigns forever, with all tenements, appurtenances, and hereditaments thereunto belonging.

And I hereby covenant with the Grantee(s) that I will forever warrant and defend the title to the above described

JRC - LTC
Blecher
14-042839-500

lands against all claims whatsoever.

WITNESS my hand and seal on this 19th day of August, 2014.

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument. Exempt or no consideration paid if none shown.

Phillip D. Jones
Phillip D. Jones

GRANTEE OR AGENT: Randolph K. Blecher
Randolph K. Blecher

GRANTEE'S ADDRESS: 133 E. Neal St.
Farmington, AR
72730

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this day came before me, the undersigned, a notary public within and for the County and State aforesaid, duly commissioned and acting, Phillip D. Jones, to me well known as (or satisfactorily proven to be) the person whose name is subscribed to the foregoing instrument and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 19th day of August, 2014.

Jennifer R. Catlett
Notary Public

My commission Expires:

OFFICIAL SEAL
JENNIFER R. CATLETT
NOTARY PUBLIC - ARKANSAS
WASHINGTON COUNTY
COMMISSION # 12377788
COMMISSION EXP. 07/12/2020



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp
Proof of Tax Paid



File Number: 14-042839-500

Grantee: RANDOLPH K. BLECHER AND ALMA COYLE BLECHER
Mailing Address: 133 E. NEAL ST.
FARMINGTON AR 727300000

Grantor: PHILLIP D. JONES
Mailing Address: 133 E. NEAL ST.
FARMINGTON AR 727300000

Property Purchase Price: \$68,000.00
Tax Amount: \$224.40

County: WASHINGTON
Date Issued: 08/19/2014
Stamp ID: 1777827840

Washington County, AR
I certify this instrument was filed on
8/19/2014 3:20:18 PM
and recorded in REAL ESTATE

File# 2014-00021122
Kyle Sylvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): JENNIFER Catlett. Agent

Grantee or Agent Name (signature): Jennifer Catlett Date: 8/19/14

Address: 133 E. Neal St.

City/State/Zip: Farmington, AR 72730

Washington County

Assessor's Office

Russell Hill, Assessor



Date Created: 2/20/2018
Created By: actDataScout

1 inch = 77 feet

This map should be used for reference purposes only and should not be considered a legal document. While every effort has been made to ensure the accuracy of this product, the publisher accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of this map and the notations on it, or as a result of the use or misuse of the information provided herein.

AFFIDAVIT

I hereby certify that I Jerry Coyle
Print name

acting as agent/owner, have provided notice to affected parties in accordance with the requirements set forth in the instruction given with the application and that the notice information provided is to the best of my knowledge true and factual. I am hereby enclosing the following supporting documents: copy of the notice, mailing receipts, list of property owners of record, return cards, and any notices that were undeliverable.

Signature: J Coyle

Date: 3-16-18

AGENT AUTHORIZATION

I (We), Alma Blecher, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s), Jerry Coyk, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City of Farmington considering this application and to act in all respects as our agent in matters pertaining to the attached application.

AB Blecher
Property Owner - Signature

ALMA BLECHER
Property Owner - Print

Property Owner - Signature

Property Owner - Print

Please Return To:

File# 2014-00021122

Lenders Title Company
3761 N Mall Avenue
Fayetteville AR, 72703
Phone: 479-444-3333
Fax: 479-443-4256

File Number: 14-042839-500

Approved as to form by:
J. Mark Spradley, Attorney-at-Law
Transactional data completed by Lenders Title Company

FOR RECORDER'S USE ONLY

WARRANTY DEED
(UNMARRIED PERSON)

KNOW ALL MEN BY THESE PRESENTS:

That, Phillip D. Jones, Grantor, an unmarried person, for and in consideration of the sum of ---TEN AND 00/100--- DOLLARS (\$10.00)---and other good and valuable consideration in hand paid by Randolph K. Blecher and Alma Coyle Blecher, husband and wife, Grantee(s), the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee(s), and unto their heirs and assigns forever, the following lands lying in the County of Washington and the State of Arkansas to-wit:

Part of the Northeast Quarter of the Northeast Quarter of Section Twenty-Six (26), in Township Sixteen (16) North, of Range Thirty-One (31) West, Washington County, Arkansas, described as beginning 433 feet East and 400 feet South of the Northwest corner of said forty acre tract, and running thence East 80 feet; thence South 200 feet; thence West 80 feet; thence North 200 feet to the place of beginning, the North 20 feet of said lot is embrace in the Public Street.

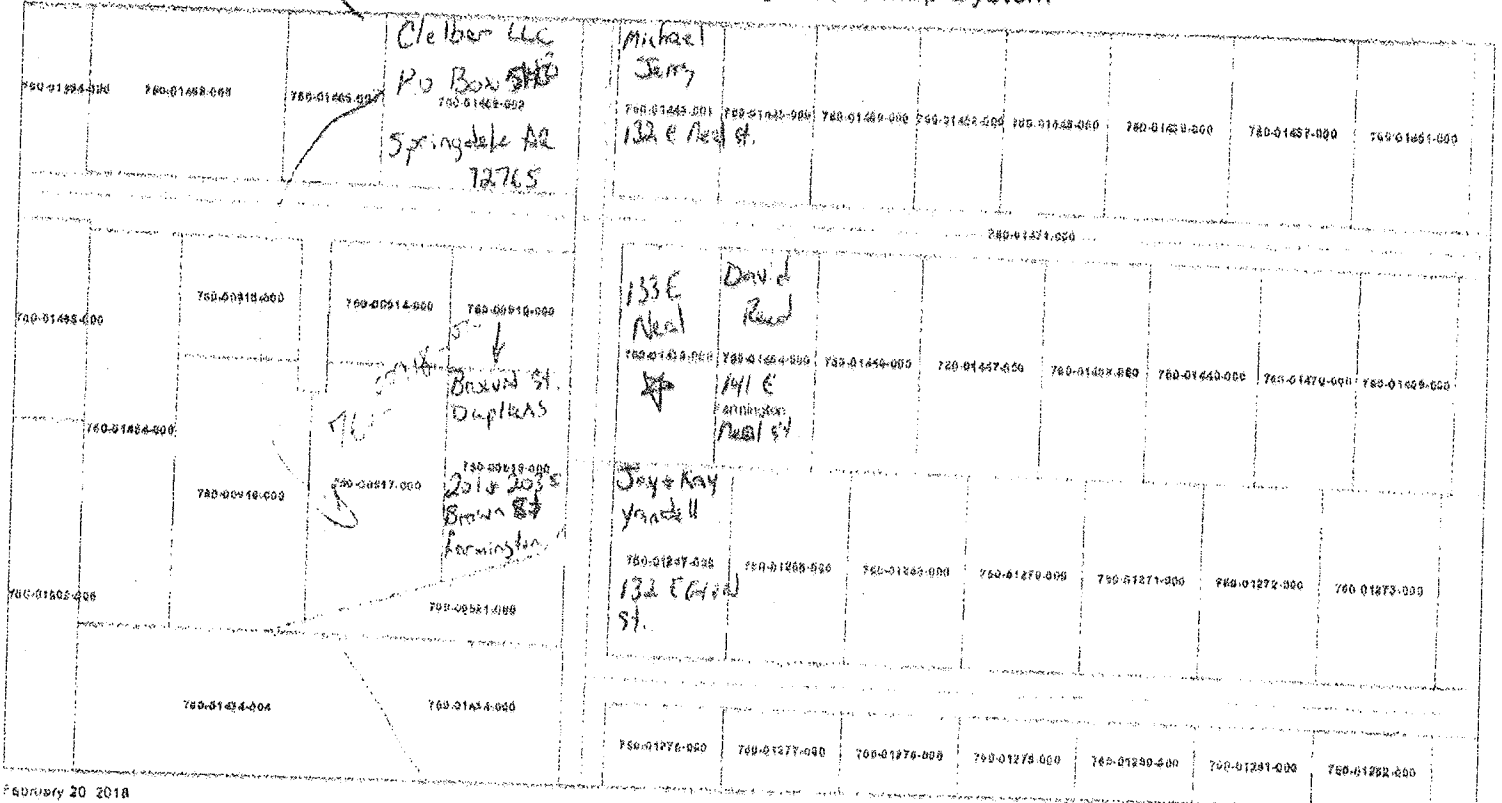
Subject to any recorded: assessments, building lines, easements, mineral reservations and/or conveyances, and restrictions, if any.

TO HAVE AND TO HOLD the above described lands unto the Grantee(s) and their heirs and assigns forever, with all tenements, appurtenances, and hereditaments thereunto belonging.

And I hereby covenant with the Grantee(s) that I will forever warrant and defend the title to the above described

4302 S Thompson
 Springdale AR 72765
 760-01760-000

Washington County Public Map System



February 20 2018

County Street Categories	Designated	BU - Real Book Only	City Limits	Regulation	Map Labels	County Boundaries
State Highways	Arterial	DC - District Boundary	City Limits	Regulation	State Boundary	
County Highways	Arterial	EX - District Boundary	City Limits	Regulation	County Boundary	
Local Highways	Arterial	PH - Unimproved Property Boundary	City Limits	Regulation	County Boundary	
Interstates	Arterial	MI - Municipal Boundary	City Limits	Regulation	County Boundary	
Building Footprints 2012	Arterial	RA - Raw Building Data	City Limits	Regulation	County Boundary	
Changed	Arterial	TWS - Town	City Limits	Regulation	County Boundary	
	Arterial	County Boundary	City Limits	Regulation	County Boundary	

0	0.0126	0.026	0.06
0	0.04	0.04	0.08

WASHINGTON COUNTY, AR
 Washington County, AR

**NOTICE OF PUBLIC HEARING BEFORE
THE FARMINGTON PLANNING COMMISSION
ON AN APPLICATION TO REZONE PROPERTY**

To All Owners of land lying adjacent to the property at:

133 E Neal

Location

Alma Blecher

Owned by

NOTICE IS HEREBY GIVEN THAT an application has been filed for REZONING of the above property from R-1 to MF 2.

A public hearing on said application will be held by the Farmington Planning Commission at Farmington City Hall, 354 W. Main St. on 3-26 at 6:00 p.m.

All parties interested in this matter may appear and be heard at said time and place; or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main, 479-267-3865.

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SPRINGDALE, AR 72760

Certified Mail Fee \$3.45
 Extra Services & Fees (check box, add fee) \$2.75
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00
 Postage \$0.50
 Total Postage and Fees \$5.70
 Sent To *John & Kay Yearick II*
 Street and Apt. No., or PO Box No. *1324 Cedar St.*
 City, State, ZIP+4® *Springdale, AR 72760*

03/12/2018

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00
 Postage \$0.50
 Total Postage and Fees \$5.70
 Sent To *Donna S. Duplax*
 Street and Apt. No., or PO Box No. *1114 S 4th*
 City, State, ZIP+4® *Springdale, AR 72715*

03/12/2018

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee \$3.45
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 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00
 Postage \$0.50
 Total Postage and Fees \$5.70
 Sent To *Clifford LLC*
 Street and Apt. No., or PO Box No. *PO Box 4*
 City, State, ZIP+4® *Springdale, AR 72760*

03/12/2018

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7026 0250 0002 0254 04

U.S. POSTAL SERVICE
FORM 3800, April 2015 PSN 33012-000-9047
SEEK 89716

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For delivery information, visit our website at www.usps.com
FARMINGTON PA 17309 **U.S.F.**

Certified Mail Fee	\$3.45	0254	04
Extra Services & Fees (check box, add fee to total rate)	\$2.75		
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00		
<input type="checkbox"/> Return Receipt (electronic)	\$0.00		
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00		
<input type="checkbox"/> Adult Signature Required	\$0.00		
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00		
Postage	\$0.50		
Total Postage and Fees	\$6.70		
Sent To	03/12/2013		

Street and Apt. No., or PO Box No.
David Reed

City, State, ZIP+4®
*141 C. McLean
Farmington NC 27720*

PS Form 3800, April 2015 PSN 33012-000-9047 See Reverse for Instructions

2016 0250 0001 0168 1452

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FARMINGTON PA 17309 **U.S.F.**

Certified Mail Fee	\$3.45	0254	04
Extra Services & Fees (check box, add fee to total rate)	\$2.75		
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00		
<input type="checkbox"/> Return Receipt (electronic)	\$0.00		
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00		
<input type="checkbox"/> Adult Signature Required	\$0.00		
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00		
Postage	\$0.50		
Total Postage and Fees	\$6.70		
Sent To	03/12/2013		

Street and Apt. No., or PO Box No.
Myra Reed

City, State, ZIP+4®
*141 C. McLean
Farmington NC 27720*

PS Form 3800, April 2015 PSN 33012-000-9047 See Reverse for Instructions

2016 0250 0001 0168 1452

NOTICE OF PUBLIC HEARING

A petition to rezone the property as described below has been filed with the City of Farmington on the 20th day of February, 2019

Extended Legal:

PT NE NE .33A FMDS2 435 FURTHER DESCRIBED FROM 2012-14657 AS: Part of the Northeast Quarter of the Northeast Quarter of Section Twenty-Six (26), in Township Sixteen (16) North, of Range Thirty-one (31) West, described as beginning 433 feet East and 400 feet South of the Northwest corner of said forty acre tract, and running thence East 80 feet; thence South 200 feet; thence West 80 feet; thence North 200 feet to the place of beginning, the North 20 feet of said lot is embraced in the Public Street.

A public hearing to consider this request to rezone the above described property from R-1 to MF2 will be held on the 26th day of March, 2018, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

Notice of public hearing letter

2 messages


Jerry Coyle <coyle.enterprises@gmail.com>
To: Karen Caler <kcaler@nwaonline.com>

Wed, Mar 14, 2018 at 4:22 PM

Karen,
Here you go. Let me know if you need anything else.
Thanks

Jerry Coyle
Coyle Enterprises Inc
930 E parks Street
PO Box 565
Prairie Grove AR 72753
479-267-5847

Handwritten note:
\$ 541.60
1665, 19, 2018

 NOTICE OF PUBLIC HEARING.docx
13K

Cathy Wiles <cwiles@nwadg.com>
To: Jerry Coyle <coyle.enterprises@gmail.com>

Wed, Mar 14, 2018 at 4:58 PM

Scheduled to run 3/16 cost is \$54.60 An affidavit will be mailed out after the notice has ran.


Thank you

Cathy



Cathy Wiles

Classified Sales Manager | cwiles@nwadg.com

479-671-6421 | 

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ORDINANCE NO. 2018-_____

CITY OF FARMINGTON, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO ESTABLISH STANDARDS FOR SMALL WIRELESS FACILITIES TO BE PLACED IN CITY RIGHTS-OF-WAY IN THE CITY OF FARMINGTON, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, the City of Farmington, Arkansas encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of small wireless facilities while enabling the City of Farmington to promote management of the rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the City of Farmington recognizes that small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, are critical to delivering wireless access to advanced technology, broadband, and 911 services to residences, businesses, and schools within the City; and

WHEREAS, the City intends to fully comply with State and Federal Law to the extent it may preempt local municipal control.

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

SECTION 1. DEFINITIONS

Small cell telecommunications facility (“*Small Cell*”). A facility, excluding a satellite television dish antenna, established for the purpose of providing wireless voice, data and/or image transmission within a designated service area. A small cell telecommunications facility must not be staffed, and consists of one or more antennas attached to a Support Structure. An antenna or wireless antenna base station which provides wireless voice, data and image transmission within a designated service area as part of a small cell telecommunications facility, and may not be larger than a maximum height of three (3) feet and a maximum width of two (2) feet.

A small cell telecommunications antenna may be installed on existing rooftops, structures or support structures where permitted. A small cell telecommunications facility also consists of related equipment which may be located within a building, an equipment cabinet outside a building, an equipment cabinet on a rooftop when in a commercial zone or attached to a commercial structure, or when in a residential zone attached to a residential structure or rooftop, or an equipment room within a building. Such related equipment shall have a maximum square footage of ten (10) square feet and a maximum height of two (2) feet.

The placement of all antennas and equipment must comply with all applicable safety standards- including, but not limited to not exceeding the OSHA standards for RF exposure.

SECTION 2. PROPOSED SMALL CELL REGULATIONS

a. All new small cell applications shall be approved via the Conditional Use Permit process only.

b. The primary goals of regulation of small cell infrastructure by the City shall be as follows:

- i. Health, safety, and welfare of Citizens;
- ii. Minimization of visual clutter;
- iii. Minimization of the number of traditional communication towers; and
- iv. Provision of good wireless service to all citizens and organizations throughout the City.

c. All small cell installations (and any corresponding equipment) shall be installed only with the use of stealth concealment techniques.

The stealth concealment systems available allow for a variety of concealment methods including, but not limited to the following.

1. For location on newly proposed Structures;

- i. Smart poles (able to accommodate either single or multiple carriers),
- ii. Smart poles with streetlights,
- iii. Flag poles.

2. For location on existing Pole Structures;

- i. Stealth pole toppers (completely encased antennas to match the existing poles),
- ii. Stealth base cabinet enclosures (completely encases base cabinet equipment to match existing poles).

3. For location on existing Building Structures;

- i. New steeple, extension to existing steeple, and replacement steeple concealment structures,
- ii. Chimney concealment structures,
- iii. Chimney pot concealment structures,
- iv. Rooftop façade extension concealment,
- v. Rooftop cupola concealment,
- vi. Rooftop screen concealment,
- vii. Roof top pod concealment systems,
- viii. Building side grid concealment structures,
- ix. Rooftop or wall mounted lantern concealment structures.

SECTION 3. PREFERENCE FOR CO-LOCATION ON EXISTING STRUCTURES.

a. In order to reduce visual clutter and the addition of vertical elements to the townscape, the applicant must attempt to co-locate the antennas and ancillary equipment on or within existing structures, poles, etc.

- 1) All stealth proposals shall visually match existing structures, poles, or infrastructure on which the antennas and/or ancillary equipment shall be mounted.
- 2) All stealth proposals shall completely enclose, cover, or otherwise disguise all elements of the proposed system.

b. If no existing poles or structures are present, or are limited in nature, then the addition of new stealth poles or other stealth structures may be considered.

SECTION 4. PROPOSAL/APPLICATION DETAILS

1. The applicant shall submit the following items with their proposal, in order to comply with the CUP requirements for small cells which are in addition to the requirements for all CUPs in the city:
 - a. A completed CUP Application for a Small Cell Network
 - b. The appropriate review fee
 - c. A detailed diagram of the entire proposed small cell network for which the applicant is applying
 - d. Written statement detailing how the applicant has met the City's Stated goals for Small Cell Infrastructure (goals listed in Section 2, b above) as well as the CUP requirements for the city.
2. The applicant should clearly depict within their proposal which antenna, equipment, and other components; are proposed to be located on existing structures; and which (antenna, equipment, and other components) are proposed to be located on newly proposed structures.
3. All small cell proposals should be submitted by the applicant for review and conditional approval as an entire network package.
 - a. The submittal package shall consist of the entire network of proposed antennas and related equipment (equipment cabinets, additional electrical service or communications cables) proposed to be installed.
 - b. The submittal shall depict the proposed location and height of each antenna and equipment cabinet (or similar) and the stealth device used for each. The deployment of stealth techniques shall be uniform throughout the deployment, or tailored to be uniform to- or match particular existing structures.

SECTION 5. CONSTRUCTION APPROVAL PROCESS

- a. If the proposed small cell application CUP application is conditionally approved, then the following items shall be submitted for administrative review and final construction permit approval (within 12 months of CUP approval).
 - 1. A completed application for construction of a Small Cell Network.
 - 2. An updated submittal package as detailed in Section 4, items 2 and 3 above. This updated package should address any Conditions of the CUP.
 - 3. If offsite easements or agreements are needed for the placement of any antenna, cabling, or ancillary equipment, copies of all easements and/or agreements shall be submitted (financial lease or agreement information may be omitted)
 - 4. Loading information for all new and proposed antennas, ancillary equipment, and stealth equipment to be attached to both new and existing structures
 - 5. Detailed stealth concealment proposals for all new antennas and ancillary equipment.
 - 6. All necessary building permit applications and associated fees as deemed necessary by the City.

SECTION 6. SEVERIBILITY PROVISION In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

PASSED AND APPROVED this _____ day of _____, 2018.

APPROVED:

Ernie Penn, Mayor

ATTEST:

Kelly Penn, City Clerk
(SEAL)

WIRELESS TELECOMMUNICATIONS ORDINANCE

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- 04 Periodic regulatory review

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GENERAL PROVISIONS

§ 1 PURPOSE AND LEGISLATIVE INTENT

- (A) The City recognizes that wireless communication facilities, and the location of them, are regulated by federal law, and this ordinance is not intended to conflict with federal law in any way. This ordinance has been adopted so that the location and installation of wireless communication facilities can be located and installed in a manner that best protects the health, welfare and safety of the citizens of Farmington, and seeks to regulate the location and installation only to the extent permitted by federal wireless facilities law.
- (B) It is also specifically noted that the City has reviewed publicly owned property in Farmington, specifically property owned by the city and has noted that in many instances the location and institutional and public uses of that property make location of wireless facilities appropriate. This ordinance seeks to recognize this fact by encouraging the location of such facilities on City owned property wherever appropriate.

§ 2 DEFINITIONS.

For the purpose of this chapter and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

ACCESSORY FACILITY OR STRUCTURE. An accessory facility or structure serving or being used in conjunction with wireless facilities and located on the same property or lot as the wireless facilities including but not limited to, utility or transmission equipment, storage sheds or cabinets.

APPLICANT. Any wireless service provider submitting an application for a wireless facilities permit for wireless facilities.

APPLICATION. All necessary and appropriate documentation that an applicant submits in order to receive a wireless facilities permit for wireless facilities.

ANTENNA. A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

BUILDING CODE. The most recently adopted or amended building code of the City of Farmington.

CITY. The City of Farmington as a municipality, its citizenry and the City of Farmington by and through its planning commission and/or governing body.

CO-LOCATION. The use of an existing tower or other structure to support one or more antennae to provide wireless services.

COMPLETED APPLICATION. An application that contains all the submittals, information and/or data required under this chapter and necessary to enable an informed decision to be made with respect to an application.

EFFECTIVE DATE OF THIS ORDINANCE. _____, the date on which Ordinance _____ became effective.

FAA. The Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC. The Federal Communications Commission, or its duly designated and authorized successor agency.

GOVERNING BODY. The governing body of the City of Farmington.

GUYED TOWER. A telecommunication tower that is supported, in whole or in part, by guy wires and ground anchors.

HEIGHT. When referring to a tower or structure, the distance measured from the grade level to the highest point on the tower or structure, even if the highest point is an antenna or lightning protection device. A substantial amount of fill may not be added to the site in order to purposefully circumvent the height restrictions for towers within.

LATTICE TOWER. A tapered structure broad at the base and narrower at the top consisting of cross-members and diagonal bracing and without guyed support.

SUBSTANTIAL CHANGE/ MODIFICATION

Substantially change means

- 1) the mounting or installation of the proposed antenna on the existing wireless facility would increase the existing height of the existing wireless facility by more than (10%) ten percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed (20') twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed such size limits if necessary to avoid interference with existing wireless communications equipment;
- 2) the mounting of the proposed antenna would involve adding an appurtenance to the body of the existing wireless facility that would protrude from the edge of the existing wireless facility more than (20') twenty feet, or more than the width of the existing wireless facility at the level of the appurtenance, whichever is greater or
- 3) expansion of the boundaries of the leased or owned property surrounding the existing wireless facility by more than (10%) ten percent in area.

Ordinary repair and/or maintenance (which includes the replacement or upgrade of components with substantially similar components), without any material addition, removal or other material modification of any visible components or aspects of a wireless facility, shall not be considered a substantial modification for purposes of this chapter.

MODIFICATION or **MODIFY**. The addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or equipment. Adding a new wireless carrier or service provider to a wireless facilities tower or wireless facilities site as a co-location is a **MODIFICATION**.

MONOPOLE TOWER. A telecommunication tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors.

PANEL ANTENNA. An inconspicuous, relatively flat, square or rectangular antenna designed to be affixed to the wall of a building or structure in order to receive and transmit signals from a telecommunication device.

PERSON. Any individual, corporation, estate, trust, partnership, joint stock company, association of two or more persons having a joint common interest, or any other entity.

PERSONAL WIRELESS SERVICES (PWS) or PERSONAL COMMUNICATIONS SERVICE (PCS). These terms shall have the same meaning as defined and used in the 1996 Wireless facilities Act.

PLANNING COMMISSION. The Planning Commission of the City of Farmington.

STATE. The State of Arkansas.

STEALTH OR STEALTH TECHNOLOGY. Technology or practice intended to minimize aesthetic and visual impacts on the land, property, buildings, and other equipment adjacent to, surrounding, and in generally the same area as the requested location of such wireless facilities towers and equipment, which shall mean using the least visually and physically intrusive tower and/or equipment that is not technologically or commercially impracticable under the facts and circumstances.

STEALTH FACILITY. Any stealth telecommunication tower or equipment which is designed using stealth technology to blend into the surrounding environment. Examples of stealth facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunication and/or personal wireless services towers designed to look like flag poles, different varieties of trees, tree towers and power poles, which shall mean using the least visually and physically intrusive tower and/or equipment that is not technologically or commercially impracticable under the facts and circumstances

WIRELESS FACILITIES. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

WIRELESS FACILITIES PERMIT. The official document or permit by which an applicant is allowed to file for a building permit to construct and use wireless facilities as granted or issued by the city.

WIRELESS FACILITIES STRUCTURE. A structure used in the provision of services described in the definition of **WIRELESS FACILITIES**

TEMPORARY. Temporary in relation to all aspects and components of this chapter; something intended to, or that does, exist for fewer than 90 days.

TOWER. Any structure designed primarily to support one or more antennae.

WIRELESS FACILITIES. This term means the structure, facility or location designed, or intended to be used as, or used to support antennas or other wireless facilities transmitting or receiving devices, including without limit, towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or their functional equivalent, and all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

§ 3 OVERALL POLICY, GOALS, AND INTENT.

In order to ensure that the placement, construction, and material modification of wireless facilities are conducted with due regard for the city's health, safety, public welfare, environmental features, the nature and character of the city and neighborhoods and other aspects of the quality of life specifically listed elsewhere in this chapter, the city hereby adopts an overall policy with respect to a wireless facilities permit for wireless facilities for the express purpose of achieving the following goals:

- (A) Provision of adequate wireless services throughout the City to provide the Citizens, businesses, healthcare facilities, schools, and other institutions with the coverage and capacity needed,
- (B) Requiring a wireless facilities permit (in adherence with Federal laws as interpreted by the FCC) for any new, co-location or substantial modification of a wireless facility.
- (C) Implementing an application process for person(s) seeking a wireless facilities permit.

- (D) Establishing a policy for examining an application for and issuing a wireless facilities permit that is both fair and consistent.
- (E) Promoting and encouraging, wherever possible, the sharing and/or co-location of wireless facilities among service providers.
- (F) Promoting and encouraging, wherever possible, the placement, height and quantity of wireless facilities in such a manner, including but not limited to:
 - i. the use of stealth or camouflaged wireless facilities technology to minimize aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless facilities, which shall mean using the least visually and physically intrusive facility that is not technologically impracticable under the facts and circumstances.
 - ii. Requiring the screening of the tower base and accessory ground equipment
 - iii. Requiring attractive screening, vegetation and landscaping where appropriate.
 - iv. Minimization of noise and light
 - v. Creation of an environment where multiple carriers can be placed on each tower and needless over-proliferation of towers throughout the City is avoided.
 - vi. Requiring appropriate environmental compliance

§ 4 PERIODIC REGULATORY REVIEW.

- (A) The city may at any time conduct a review and examination of this entire ordinance.
- (B) If after such a periodic review and examination of this ordinance, the city determines that one or more provisions of this ordinance should be amended, repealed, revised, clarified, or deleted, then the city may take whatever measures are necessary in accordance with applicable law in order to accomplish the same. It is noted that where warranted, and in the best interests of the city, the city may repeal this entire ordinance at any time.
- (C) Notwithstanding the provisions of divisions (A) and (B) of this section, the city may at any time and in any manner (to the extent permitted by federal and state law), amend, add, repeal, and/or delete one or more provisions of this ordinance.

PERMIT

§ 5 PERMIT REQUIRED.

(A) Placement of New Wireless Facilities or Communication Towers

- i. **All New Communication or Wireless Facility Towers shall be required to first apply for and obtain a Conditional Use Permit from the City prior to applying for a wireless facilities or communications tower permit.**

OR

(It is recognized by the City Council that communication towers that it is preferable to locate towers on Municipally owned property and industrially zoned property, therefore the requirements of A CUP for new towers may be waived by the City (Staff or PC).

Possible consideration of allowing towers by right on municipally-owned or industrially zoned properties with a minimum setback requirement from adjoining differently zoned properties. Setback must be height of tower to any residences.

- ii. If a Conditional Use Permit to allow a new tower is approved by the City, no person shall be permitted to site, place, build, construct, or substantially modify a wireless facility after the effective date of this ordinance without having first completed the wireless facilities application and permit process and obtain the approval and wireless facilities permit from the City.
- iii. Notwithstanding anything to the contrary in this section, no wireless facilities permit shall be required for those facilities listed in Section 6.

(B) No person shall perform any construction of or on a wireless facility without having first obtained a building permit for such construction. In order to obtain a building permit for a wireless facility, the applicant must complete the wireless facilities permit process in addition to the building permit application.

(C) No person shall use a wireless facility for which a wireless facilities permit is required without the final inspection and approval of the wireless facility showing that the construction of the facility meets all requirements and conditions of the wireless facilities permit, and that all applicable building codes and related building requirements have been met.

(D) An applicant for or holder of a wireless facilities permit shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the city, the Federal Communications Commission or other governmental agencies having jurisdiction over the wireless facility.

(E) Repair and maintenance of a wireless facility shall not require a wireless facilities permit.

§ 6 EXEMPTIONS.

The following shall be exempt from this chapter:

(A) The city's fire and police departments or other public service facilities.

(B) Over-the-air reception devices including the reception antennas for direct broadcast satellites and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.

(C) Facilities that are no more than thirty (30) feet in height that are used exclusively for private, non-commercial radio and television reception and private citizen's bands, and other similar non-commercial wireless facilities unless otherwise subject to applicable zoning and building code requirements.

(D) Improvements to an existing facility that does not constitute a substantial modification as defined herein.

§ 7 APPLICATION.

(A) All applicants for a wireless facilities permit shall comply with the requirements set forth in this ordinance. Applications for wireless facilities shall be submitted to the City which shall at its discretion obtain the services of engineers, consultants or governmental agencies or officials to review, analyze, evaluate and make their evaluations and recommendations to City Staff and to the commission.

(B) The city may reject applications not meeting the requirements stated herein or which are incomplete (within the federally mandated timeframe). An application will be considered complete when the applicant has provided all submittals required by this section, including but not limited to all required data, reports, attachments, certifications, and authorizations.

(C) Any and all written representations made by the applicant to the city during the application process, and oral representations made on the record during a hearing before the Farmington Planning Commission or other public meeting, shall be deemed a part of the application and may be relied upon in good faith by the city and the members of its commission.

(D) An application for a wireless facilities permit shall be signed on behalf of the applicant by the person or persons preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

(E) The applicant shall provide written and notarized documentation to verify it has the right to proceed as proposed on the site and to employ such easements and/or other property

interests to access the site as may be necessary for repair and maintenance of the facility. Such documentation may consist of an executed warranty deed or other conveyances clearly depicting the site and all easements for utilities, and ingress and egress.

(F) The applicant shall include a statement in writing:

(1) That the applicant's proposed wireless facilities shall be maintained in a safe manner, and in compliance with all conditions of the wireless facilities permit, without exception, as well as all applicable building codes and ordinances, including any and all applicable city, state and federal laws, rules, and regulations;

(2) That the construction of the applicant's wireless facilities is legally permissible.

(G) That all engineering certifications shall bear the signature and seal of a professional engineer licensed in the State of Arkansas.

(H) **Wireless Communications**

The following general requirements shall apply to all new wireless communications facilities.

(1) *Noise requirements.* Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generators used in emergency situations where regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional muffler and any onsite fuel storage meet all applicable building codes.

(2) *Compliance with federal regulations.* Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided before the issuance of the facility building permit, or after the facility's construction.

(3) *Lighting and signage.* Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Security lighting or motion-activated lighting may be used around the base of a tower and within the wireless communication facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way.

Signs shall be limited to those needed to identify the property and the owner and warn of any danger. No signs, symbols, identifying emblems, flags, or banners shall be allowed on towers.

(I) **New towers.** New wireless communications towers shall meet the following requirements:

(1) *Type of towers allowed.* **New towers shall be limited to monopole type structures (with internal antennas) or stealth/camouflaged type tower structures.**

(2) *Tower or antenna height limitations.* Towers or tower structures are permitted to a **maximum height of 150 feet.**

(3) *Fall zone.* The minimum distance from the base of any tower to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located sign a consent for the construction of said tower. This setback is considered a "fall zone." In the event that an existing structure (i.e. existing water tower, building or pole) is proposed as a mount for a wireless communication facility, a fall zone shall not be required

(4) *Camouflaging or stealth technology for new towers.* If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designed to be camouflaged including, but not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees, and other structures that may screen or partially screen the view of the tower from adjacent properties or rights-of-way.

(5) *Color of towers.* To the extent that any tower or antenna extends above the height of the vegetation immediately surrounding it, they shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.

(6) *Information required to process new tower Conditional Use Permit requests.*

(a) Provide a map of the approximate geographic area that your project will serve;

(b) Provide a map showing the approximate location of all other existing communication towers within the area and a written explanation as to why co-location is not possible on an existing tower structure. Describe your efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. This paragraph does not apply to applicants who desire to construct a tower for the primary purpose of attracting other persons to collocate on the tower.

(c) *If* the proposed tower is being constructed to provide service for a particular communications carrier, please provide a map that shows other adjacent existing or adjacent planned facilities that will be used by the wireless communication service provider who is making the application;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed tower lease area (if applicable), proposed tower, existing land use, surrounding land uses and zoning, access road(s) location and surface

material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specifications on proposed lighting of the facility;

(e) **Provide a letter stating why the proposed site was chosen.**

- i. **Please submit a written statement describing how your proposed site and plan meet the City of Farmington's "Statement of Goals and Intent" (As listed in Section 3(f) of this ordinance)**
- ii. **Each Goal should be addressed individually and in detail.**
- iii. **The document should also include: visual aspects, setbacks, and proximity of single-family residences;**
- iv. **Describe how you will accommodate other antenna arrays that could co-locate on your facility. Describe how this accommodation will impact both your pole or tower, and your ground mounted facilities. Provide documentation of your provider's willingness (if applicable) to accommodate other providers who may be able to co-locate on your facility.**

(7) *Optional balloon test and crane test photographs.* If the Planning Commission or City Staff find it necessary, the proposed tower shall be photographed from four locations taken 90° apart and (three hundred) 300 feet from the center of the tower (or wherever the tower can be seen best if three hundred, 300 feet from the center of the tower the view is obstructed, etc.). The proposed tower shall be superimposed on the photographs. A balloon or crane test shall be performed to illustrate the height of the tower and photographed from the same four locations. The four locations shall be approved by the Planning Administrator (or other City designee).

(8) *Sight line representation.* A sight line representation shall be drawn from four points 90° apart and 100 feet from the proposed tower. Each sight line shall be depicted in section, drawn at one-inch equals (forty) 40 feet. The sections shall show all intervening trees and buildings.

Review and Construction Requirements for new Communication Towers if Conditional Use Permit is granted

(A) Structural integrity and inspections of towers.

(1) If a conditional use permit for the tower is approved, the applicant shall provide a complete set of plans for the proposed tower and a site plan of the property or proposed lease area.

(a) Tower Plans:

1. Engineer Stamped Plans for the proposed Tower and an accompanying structural analysis

2. Engineer stamped plans for the proposed tower foundation based on the local geotechnical information gathered for the specific site.
3. A statement that the tower meets or exceeds design criteria for federal requirements regarding the construction of the tower.

(b) Site Plan

1. Name & address of owner, applicant & surveyor.
2. Date, scale (1"=100' preferred), and north arrow.
3. Vicinity map covering a minimum of one mile with a scale and north arrow indicating surrounding roads, municipal limit lines, growth area boundaries, state lines & county lines as applicable
4. Legal description of the property on which the tower is to be placed, with dimensions and angles sufficient to locate all lines. Property shall be located by Section, Township and Range, and tied to the nearest defined and referenced Section or Quarter Section Corner.
5. The precise location and dimensions of the proposed tower or existing tower as it is to be modified.
6. The location and identification of existing roads or access ways within and to the property (including proposed access easements).
7. The location and size of existing access and/or utility easements on or adjoining the property, or a note there are none.
8. The location of flood areas on the property or a note indicating there are none.
9. The location of USGS documented perennial and intermittent watercourses on or adjoining the property or a note indicating there are none.
10. The area set aside to accommodate future outbuildings and/or equipment pads to be placed on the property in the future in connection with the tower
11. The location of all personal residences within the height of the tower from the perimeter of the base of the tower.
12. The names of the owners of such residences and copies of their signed consent to the placement of the proposed tower (if applicable).
13. The existing topography on the property, as per existing U.S. Geological Services survey maps or other more current source
14. A note describing any plat and deed restrictions, or a note indicating there are none.

- (c) If a wireless communication facility fails to comply with the requirements and criteria above and constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower, the owner shall have 90 days to bring such tower into compliance with such requirements and criteria. If the owner fails to bring such tower into compliance within 90 days, the city may terminate the owner's conditional use permit and/or cause the removal of such tower (at the owner's expense). In no instance shall this process prevent the City from taking whatever action to protect the public from imminent harm. Including but not limited to immediate removal of a tower.

- (d) By making application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by applicant which are located in the city. The applicant further agrees to conduct inspections of all such facilities not less frequently than every 12 months. The applicant agrees that said inspections shall be conducted by one or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.
- (2) *Security fencing and anti-climbing device.* Using security fencing, towers and equipment shall be enclosed by opaque fencing not less than eight feet in height. The fencing material shall be wood or other opaque fencing material. The tower shall also be equipped with an appropriate anti-climbing device. The facility shall place signs indicating "No Trespassing," "High Voltage," or other pertinent information on the outside of the fence, unless it is decided that the goals of this ordinance would be better served by waiving these provisions in a particular instance. Barbed wire fencing or razor wire shall be discouraged.
- (3) *Vegetative screening requirements.* **Wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Trees and vegetation may be existing on the subject property, installed as part of the proposed facility, or a combination of both.**
- a. Vegetative screening should be designed to visually screen the area by using groups of clustered vegetation to achieve a screen natural in appearance. The screened area may exclude access and utility easements.
 - b. The screened area should include a mixture of evergreen and deciduous vegetation types of varying heights. Depending on the setting and existing vegetation on or near the tower property or leased area, a landscape easement adjacent to the site/leased area may be required. If a landscape easement is needed, it must be at least a minimum of 15' in width.
 - c. In order to effectively screen the tower site, for every 25 linear feet of perimeter of the leased area, property line (or defined property used for the tower site), the following landscaping is required to be installed (see attached plant list for approved varieties):
 - i. One (1) large tree
 - ii. Two (2) understory trees
 - iii. Five (5) large shrubs
 - d. If there is existing vegetation onsite or within close proximity that currently provides screening for the site, then the Planning Administrator may grant a variance from the appropriate portions of the landscape screening requirements. Offsite landscape easements may be required to assure the existing vegetation persists.
 - e. A landscape plan depicting varieties, size (upon planting), and proposed placement of all landscape materials shall be submitted with the CUP application. All proposed or existing easements should also be shown (utility, access, rights of

way, and landscape easements, etc.). If the applicant proposes to use existing onsite or nearby vegetation in lieu of required landscaping materials, then that existing vegetation must be shown on the plan.

- f. Irrigation- shall not be required, but the owners shall be required to care for the planted vegetation and replace any vegetation that does not survive.

- (4) *Setbacks from property lines.* Wireless communication facilities shall meet current setbacks as required by zoning.

(B) Co-location.

The Planning Administrator, following an administrative review **without the requirement of an issuance of conditional use permit**, may approve the following antenna installation (if said application is in compliance with all applicable requirements).

- (1) *Locating on existing structures.* Installation of an antenna or antenna array on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided the antenna or antenna array and its support are not more than 20 feet in height.

- (2) *Locating on existing towers.* Additional antennas may be placed or upgraded upon any tower so long as such additional antenna would not violate any requirements of the conditional use permit or other provisions of the original approval. *For the purpose of co-location*, the applicant must submit information from a licensed professional engineer certifying the capacity of the tower for additional providers and a letter of intent from the applicant indicating their intent to share space.

Existing antennas may be replaced by updated antennas or equipment, however, a statement regarding the loading of the replacement equipment shall be submitted and the applicant shall certify that the loading of the proposed equipment shall be less than or equal to the existing equipment. If no certification can be made, then a structural analysis for the tower and the proposed equipment shall be required.

(C) Other requirements.

- (1) *Wireless communications facilities placed on top of buildings.* When a wireless communications facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Stealth (RF Transparent) screening visually appropriate to the specific site should be explored as an effective compatibility tool.
- (2) *Wireless communications facilities placed on sides of buildings.* Antennas which are side-mounted on buildings shall be painted, constructed of, or have a stealth covering made up of materials to match the color of the building material directly behind them.

(3) *Expiration.* Once the CUP is approved, the applicant shall have one year to submit an application for a wireless facilities construction permit.

Except when due to circumstances beyond an applicant's reasonable control, all approved applications for a wireless facilities permit shall be constructed within 1 year of receiving building permit, or both CUP and building permit shall be deemed void and new applications must be submitted.

§ 8 APPLICATION REVIEW COSTS.

(A) The city may hire any engineer and/or consultant necessary to assist the city in reviewing and evaluating applications, and for inspecting construction and/or modification of wireless facilities

(B) For discussion with PC

(C) The total amount of the funds needed as set forth in paragraph (B) of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

(D) Application review costs and fees shall be reviewed and adjusted biennially or more frequently if needed to insure that the amounts required to be deposited into escrow under this section represent, as accurately as practicable, the city's cost of reviewing and processing applications.

§ 9 PUBLIC HEARING AND NOTICE REQUIREMENTS.

- **Apply existing CUP notification and hearing requirements**
- **Consider allowing administrative review of tower/wireless facility if a CUP is approved.**

§ 10 ACTION ON APPLICATION.

(A) The city will undertake a review of a completed application in a timely fashion, compliant with federal regulations, consistent with its responsibilities, and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the applicant's desire for a timely resolution. When an application is complete, including the submission of all reports and other submittals required hereunder and same has been reviewed by the city's engineer and/or consultant, the city shall act on the proposed permit within parameters compliant with federal regulations.

(B) After the public hearing (if required) and after formally considering the application, the city may approve, approve with conditions, or deny a wireless facilities permit,

based on the applicant's compliance with the requirements of this ordinance. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record and statements made by the applicant at public hearings and meetings of the Farmington Planning Commission.

(C) If the city approves the wireless facilities permit and construction of facilities, then the applicant shall be notified of such approval in writing, and the wireless facilities permit shall be issued within five (5) calendar days of the city's action.

(D) If the city denies the wireless facilities permit, then the applicant shall be notified of such denial in writing within five (5) calendar days of the city's action. Such written notice shall enumerate, with particularity, the specific deficiencies, omissions, and/or instances of noncompliance with the requirements of this ordinance.

(E) If the city denies a wireless facilities permit, and the grounds for such denial concern matters that may be cured within a reasonable time, the applicant may amend, supplement, or re-submit its application within sixty (60) days of the city's denial, and such amendment(s), supplement(s), or re-submission shall be evaluated as part of the applicant's original application. All additional costs associated with the city's engineer and /or consultant shall be borne by the applicant.

§ 11 REVOCATION OF PERMIT.

The extent and parameters of a wireless facilities permit shall be as follows:

(A) A wireless facilities permit may, following a hearing upon due prior notice to the holder of the permit, be revoked, canceled, or terminated for a violation of the conditions and provisions of the wireless facilities permit, The CUP granted for the tower or facility, or for a material violation of this ordinance after prior written notice to the holder of the wireless facilities permit and an opportunity to cure as provided herein.

§ 12 PERMIT FEE.

- Discussion with PC
- Replace with CUP fee, and then a comparable land development fee, followed by a building permit fee?

§ 13 HEIGHT OF TOWERS; COMPLIANCE WITH CODES AND REGULATIONS.

Towers within the City limits of Farmington shall not exceed 150' in height.

(A) All wireless facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the city, state, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the Farmington Building Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding, the more stringent rule shall apply.

(C) All utilities at a wireless facilities site shall be installed underground, to the extent practicable, and in compliance with all laws, ordinances, rules and regulations of the city.

(D) All wireless facilities sites shall include an access road, turn around space and parking, adequate to assure emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion in more remote areas of property zoned Agriculture. The construction of asphalt driveways and parking for facilities in industrial and commercial zones shall be in compliance with city building requirements.

(E)The following items must be provided to the City:

- (1) A copy of the FCC license applicable for the intended use of the wireless facilities.
- (2) A copy of the structural analysis or structural design report for the proposed wireless facility.
- (3) A copy of the City of Farmington business license.
- (4) The applicant shall provide written documentation of FAA and FCC compliance as part of the Building/ Construction Permit application.

§ 14 SIGNAGE.

(A) Each wireless facility shall display a sign no larger than four square feet, containing the site identification number and emergency phone number(s) of the permit holder or other person (s) operating the facility. The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

(B) The applicant or future owner of the site shall update the site identification number and emergency phone number of the wireless facility as displayed on the required sign within 60 calendar days of any sale, assignment, or transfer.

ENFORCEMENT

§ 15 PERFORMANCE SECURITY, DEFAULT, and REMOVAL.

(A) If a wireless communication facility fails to comply with the requirements and criteria in this ordinance and constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower, the owner shall have 90 (ninety) days to bring such tower into compliance with such requirements and criteria. If the owner fails to bring such tower into compliance within 90 (ninety) days, the city may terminate the owner's conditional use permit and/or cause the removal of such tower (at the owner's expense). In no instance shall this process prevent the City from taking whatever action to protect the public from imminent harm. Including but not limited to immediate removal of a tower.

(B) By making application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by applicant which are located in the city. The applicant further agrees to conduct inspections of all such facilities not less frequently than every 12 (twelve) months. The applicant agrees that said inspections shall be conducted by one or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.

§ 16 INSPECTION.

In order to verify that the holder of a wireless facilities permit, and any and all lessees and/or licensees of wireless facilities, construct, maintain and operate such facilities in accordance with this ordinance and all state and federal rules and regulations, the wireless facilities permit issued for such facility, and all technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the city may inspect all facets of the permit holder's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

§ 17 COMPLIANCE WITH FEDERAL AND STATE REGULATIONS.

(A) Any holder of such a wireless facilities permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

(B) To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a wireless facilities permit, then the holder of such a wireless facilities permit shall conform the permitted wireless facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of six (6) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

(C) A final determination by a state or federal agency with jurisdiction that a rule or regulation has been violated shall be grounds to revoke a wireless facilities permit.

§ 18 APPEALS.

(A) Reference CUP appeals and land development appeals process within the Farmington Code

§ 19 PENALTIES.

(A) Except as otherwise provided in this chapter, the city may impose against the holder of a wireless facilities permit the penalties as set forth below.

(B) A failure to obtain a permit when required or a violation of any wireless facilities permit issued pursuant to this ordinance is hereby declared to be an offense, punishable by a fine not exceeding \$500 (five hundred dollars) per occurrence upon conviction. Each week's continued violation shall constitute a separate additional violation.

(C) Notwithstanding anything in this section, the holder of a wireless facilities permit may not use the payment of fines to evade or avoid compliance with this ordinance or any section of this ordinance. An attempt to do so shall subject the holder of the wireless facilities permit to termination and revocation of its wireless facilities permit. The city may also seek injunctive relief to prevent the continued violation of this ordinance, without limiting other remedies available to the city.