



City of Farmington
354 W. Main Street
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PLANNING COMMISSION AGENDA
June 27, 2011

**A meeting of the Farmington Planning Commission will be held on
Monday, June 27, 2011 at 6:00 p.m. at City Hall
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes – May 23, 2011
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** for amended Cell Tower Ordinance.
4. Discuss Trail Plan

**PLANNING COMMISSION MINUTES
MAY 23, 2011**

1. ROLL CALL

PRESENT:

Josh Clary

Matt Hutcherson

Toni Bahn

Robert Mann

Gerry Harris

Judy Horne

Bobby Wilson

ABSENT:

Sean Schader

**2. APPROVAL OF MINUTES – March 28, 2011 –Chairman Mann called for the question.
Minutes approved**

3. Comment from citizens : NONE

4. PUBLIC HEARING:

A. Conditional Use for Sale of Fireworks-Hale Rainbow Fireworks

Property owned by: Jim Ayers

Property Location: 12292 W. Hwy 62

Presented by: Carla Hefner

Chairman Mann called for the question. Request was approved

B. Conditional Use for Sale of Fireworks-Hale Fireworks Central Ar.

Property owned by: Rausch Coleman

Property Location 120 N. Holland

Presented by: Chase Hale

Chairman Mann called for question. Request was approved.

C. Conditional Use for Sale of Fireworks-Pettigrew Fireworks

Property owned by: Sue Bartholomew

Property Location: 225 Cimarron

Presented by: Alonzo Pettigrew

Chairman Mann called for question. Request was approved

Dates for fireworks sales are June 21st thru July 7th. Business can open at 12:01 a.m.
June 21, 2011.

**5. Discussion of Cell Tower Ordinance per Steve Tennant's request. Melisa McCarville
Stated Mr. Tennant advised that ordinance be amended to include new zoning
classifications.**

Motion by Commissioner Horne and 2nd by Commissioner Bahn to set Public Hearing for
next regular meeting of Commission. This date is July 27th. Motion approved

6. Information was not available to discuss Trail Plan
Motion by Commissioner Horne 2nd by Commissioner Wilson to adjourn.

Secretary, Planning Commission

Chairman, Planning Commission

ORDINANCE NO. 2011-04

AN ORDINANCE TO AMEND THE WIRELESS TELECOMMUNICATIONS
ORDINANCE FOR THE CITY OF FARMINGTON, ARKANSAS

WHEREAS, An ordinance was adopted on August 10, 2009 to provide a comprehensive wireless telecommunications facilities application and permit process to ensure the placement, construction or modification of wireless telecommunications facilities to establish a balanced, fair and efficient process for review and approval of such facilities to protect the health, safety and welfare of the citizens of the City of Farmington; and

WHEREAS, the City of Farmington adopted a revised Zoning Ordinance on March 14, 2011 to aid in the implementation of a revised land use plan to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens and provide additional types of zoning districts; and

WHEREAS, the Wireless Telecommunications Ordinance should be amended to include the placement of wireless telecommunications facilities in the newly formed zoning districts; and

WHEREAS, the Farmington Planning Commission voted unanimously to approve the ordinance after a public hearing was held on Monday, June 27, 2011.

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

Section 1: That Section 14 pertaining to facilities in the Wireless Telecommunications Ordinance should be and is hereby amended in its entirety to read as follows:

§ 14 LOCATION AND TYPE OF FACILITIES.

(A) Applicants for wireless telecommunications facilities shall locate, site and erect wireless telecommunications facilities in accordance with the following priorities, with (1) being the highest priority and (6) being the lowest priority, as follows:

(1) On existing towers or other structures without increasing the height of the tower or structure and using

monopole towers, stealth facilities and technology or panel antennas;

(2) On existing towers or other structures without increasing the overall height of the tower or structure by more than ten (10) feet and using monopole towers, stealth facilities and technology or panel antennas;

(3) The placement of multiple, shorter towers utilizing monopole towers, stealth facilities and technology or placing panel antennas on existing structures in lieu of increasing the height of existing towers or other structures;

(4) On properties and structures in areas zoned Agriculture (A-1) that are a minimum of eighty (80) acres, but in no event within 1,500 feet of any residential structure of any adjoining property owner, and must be a monopole tower utilizing stealth facilities and technology or panel antennas and placed in heavily wooded areas on the site to the maximum extent possible so as to lessen the visual intrusiveness of the telecommunications structure and accessory structures and in no event shall towers or antennas exceed the maximum height of 100 feet;

(5) On properties and structures in areas zoned Highway Commercial (C-2), but in no event within 1,000 feet from any residential structure of any adjoining property owner, and must be a monopole tower utilizing stealth facilities and technology or panel antennas and in no event shall towers or antennas exceed the maximum height of 60 feet;

(6) On properties and structures in areas zoned Residential Estate (RE-1) and Single-Family Residential (R-1), but in no event within 1,000 feet from any residential structure of any adjoining property owner, and must be a monopole tower utilizing stealth facilities and technology or panel antennas and in no event shall towers or antennas exceed the maximum height of 60 feet;

(7) On city-owned properties or structures (provided space is available, loading is within the structure's capacity, and the city deems the use appropriate) and must be constructed of a monopole tower utilizing stealth facilities and technology or panel antenna and in no event shall towers or antennas exceed the maximum height of 50 feet.

(B) Lattice towers and guyed towers will not be allowed under any circumstances in any zoning district in the city.

(C) No wireless telecommunications facilities shall be allowed on properties and structures in areas zoned Park, School, Residential Estate (RE-2), Single-Family Residential (R-2), Residential-Office (R-O), Single and Multi-Family Residential

(MF-1), Multi-Family (MF-2), Mobile Home Park (MHP) and General Commercial (C-1).

(D) An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected without a demonstration that the site is necessary to eliminate a gap in coverage and provide sufficient capacity and there are no structurally suitable vertical structures within two miles of the proposed site. An application shall address co-location on vertical structures within one mile of the proposed site as an option. If that option is not proposed, the applicant must explain why co-location is not reasonably possible or practicable under the standards set forth in this ordinance.

(E) The applicant shall submit written evidence demonstrating the applicant's review of the above locations in order of priority, and demonstrating the technological reason for the site selection. If the proposed site is not proposed for the highest priority listed above, then a detailed written explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must demonstrate why a permit should be granted for the proposed site and the service-related problems that would result if the permit were not granted for the proposed site. Increased cost of locating and constructing a facility in a higher priority location or the increased cost of constructing or providing monopole towers, stealth facilities and technology or panel antennas is not a sufficient reason to approve a permit under this section.

(F) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the city may disapprove an application for any of the following reasons:

- (1) Conflict with safety and safety-related codes and requirements;
- (2) Conflict with the historic nature or character of the site;
- (3) The placement and location of wireless telecommunications facilities which would create an unreasonable risk, physical harm or safety arising from a collapse, structural failure or weather related safety issues all relating to the facilities;
- (4) Conflicts with the provisions of this ordinance.

Section 2: That Section 16(A) pertaining to the height of towers and antennas in the Wireless Telecommunications Ordinance should be and is hereby amended in its entirety to read as follows:

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

(A) Notwithstanding the maximum height of towers and antennas allowed in Section 14, no tower or antenna shall exceed the minimum height necessary to eliminate gaps in coverage or

otherwise to provide service, as demonstrated by the propagation studies submitted under paragraph (H) (2) of Section 7. Under no circumstances shall a tower or antenna exceed the height of 100 feet when its location is proposed on properties zoned Agriculture (A-1) and under no circumstances shall a tower or antenna exceed the height of 60 feet when its location is proposed on properties zoned Residential Estate (RE-1), Single-Family Residential (R-1) or Highway Commercial (C-2). Further, all proposed towers shall be constructed of monopole stealth facilities and technology and panel antennas shall be utilized on existing structures when possible. And further, applicants shall utilize the latest advancements in telecommunication technology and stealth technology that is developed after the effective date of this ordinance to make towers and antennas more inconspicuous to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area of a proposed wireless telecommunication facility regardless of its cost.

Section 3: That Section 20 pertaining to setbacks for all proposed towers and any other proposed wireless telecommunications facility structures in the Wireless Telecommunications Ordinance should be and is hereby amended in its entirety to read as follows:

§ 20 SETBACKS.

Without regard to property boundaries, all proposed towers and any other proposed wireless telecommunications facilities shall be no less than 1,500 feet from any residential structure of any adjoining property owner when the proposed location of the telecommunications structure is in a district zoned Agriculture (A-1) that is a minimum of eighty (80) acres as required herein. When the proposed location of the telecommunications structure is in a district zoned Residential Estate (RE-1), Single-Family Residential (R-1) or Highway Commercial (C-2), all proposed towers and any other proposed wireless telecommunications facilities shall be no less than 1,000 feet from any residential structure of any adjoining property owner, without regard to the property boundaries. Further, all proposed towers and any other proposed wireless telecommunications facility structures along recorded rights-of-way, roads and streets shall be a sufficient distance from same to assure safety of persons and structures in the vicinity. A standard of acceptable distance from rights-of-way, roads and streets will be equal to the height of the

proposed tower or wireless telecommunications facility structure. Applicants proposing a smaller setback shall demonstrate ancillary safety precautions in the design of the structure to justify the smaller setback.

Section 4: Repealing Clause. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5: Severability Clause. In the event any part of the ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Section 6: Emergency Clause. That the City Council of the City of Farmington, Arkansas further determines that this ordinance is necessary to provide conformity with and between the Wireless Telecommunications Ordinance and the revised Zoning Ordinance, and that this ordinance should be adopted without delay; therefore, an emergency is hereby declared and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 11th day of July, 2011.

APPROVED:

By:

Ernie Penn, Mayor

ATTEST:

By:

Kelly Thomas,
City Clerk/Recorder