

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 9518, WHICH GRANTED A SPECIAL USE TO ALLOW A COMMUNICATIONS TOWER IN A C4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3128 PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on November 14, 2022, the City Council adopted Ordinance No. 9518, granting a Special Use to allow a communications tower in a C4 zone for certain real property located at 3128 Pike Avenue in the City of North Little Rock, Arkansas; and

WHEREAS, Ordinance No. 9518 requires that the communication tower have blinking lights located on top of the tower; and

WHEREAS, it has been determined that the lights located on top of the tower are a nuisance to the surrounding neighbors, and that the communication tower will meet the requirements of the Federal Aviation Administration (FAA) without the lights; and

WHEREAS, it is in the best interests of the citizens of the City to amend Ordinance No. 9518 and remove the blinking lights from the communications tower.

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

SECTION 1: That Section 2 of Ordinance No. 9518 is hereby amended as follows:

Editor's note: Changes are in bold; deletions are denoted in "red" by ~~strike through~~ and additions in "blue" by underline

SECTION 2: That this Special Use shall be subject to the following:

1. Meet the requirements of Site Plan Review established by the Planning Commission.
2. Meet the requirements of the Board of Zoning Adjustment for the tower height variance approval including -
  - i. Not to exceed the height of 145 feet, as approved by the Board of Zoning Adjustment.
  - ii. ~~Multiple blinking lights be located on top of the tower to operate 24 hours per day, 7 days per week and 365 days per year.~~ No blinking lights
  - iii. A letter from the FAA approving the tower height and location.
  - iv. The tower be of monopole type only.
  - v. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site. In the event

- that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
- vi. The placement of a fence around the communication tower site a minimum of 6 feet in height.
  - vii. A planted buffer with a minimum depth of 10 feet with plant materials to reach a height of 20 feet at maturity is required around the exterior perimeter of the fence.
3. Any structures located on the lot shall meet all applicable Federal, State, County, and City requirements and codes.
  4. Business license holder understands that failure to comply with these conditions may result in loss of the Special Use and/or loss of Business License and/or removal of Electric Power Meter.

SECTION 2: That all ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the special use as amended herein is compatible with other businesses in the area and is immediately necessary in order to insure the proper and orderly growth and development of this land and of the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare, THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

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Mayor Terry C. Hartwick

SPONSOR:

ATTEST:

Debi Ross  
Council Member Debi Ross *13 AP*

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Diane Whitbey, City Clerk

Steve Baxter  
Council Member Steve Baxter *13 AP*

APPROVED AS TO FORM:

Amy Beckman Fields  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED	<u>11:15</u>	A.M.	_____	P.M.
By	<u>Amy Fields</u>			
DATE	<u>7/5/03</u>			
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>				
RECEIVED BY	_____			