

ORDINANCE NO. 2003-05

AN ORDINANCE TO PROHIBIT THE CONSTRUCTION OF TOWERS, BUILDINGS OR OTHER TYPE OF CONSTRUCTION OVER ONE HUNDRED FEET IN HEIGHT WITHIN FIVE STATUTORY MILES OF THE CLINTON AIRPORT WITHOUT A PERMIT; PROVIDING A MEANS FOR PERMITTING SUCH PERMIT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Clinton, Arkansas, owns and operates a municipal airport; and

WHEREAS, the safe and efficient operation of the airport is essential to the economic growth and development of the City of Clinton; and

WHEREAS, the airspace around the Clinton Airport needs to be free of obstruction to prevent the continued safe use of the airport; and

WHEREAS, there needs to be a review process to ensure that future construction near the Clinton Airport does not interfere with the safety of airport operations;

WHEREAS, the City has authority to regulate zoning and land use up to five miles outside the city limits.

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

Section 1. From as after the effective date of this Ordinance, no tower, buildings or other type of construction one hundred (100) feet or taller shall be permitted within five (5) statutory miles of the boundaries of the Clinton Municipal Airport, unless such construction project shall first have obtained a permit from the Clinton Planning and Zoning Commission.

Section 2. If any party desires to obtain a permit to erect and construct any type of facility they shall apply to the Clinton Planning and Zoning Commission for a permit. The

permit application shall be on a form prescribed by the Clinton Planning and Zoning Commission and shall contain the following information:

- a) A legal description of the property on which the construction is to be done;
- b) A detailed description of the proposed construction project and its use;
- c) A map showing the location of the construction project in relation to the airport;
- d) An application fee of \$100.00.

Section 3. Upon request of any application on construction of a structure over one hundred (100) feet within five (5) statutory mile of the airport, the Planning and Zoning Commission shall set the matter for hearing at its next regularly meeting provided that said meeting is at least one week later, and shall forward a copy of the application to the Airport Commission.

Section 4. At the meeting, the Planning and Zoning Commission shall conduct a public hearing to hear from the application, the Airport Commission, and any other interested citizen about whether or not such application should be granted.

Section 5.

a) If the Planning and Zoning Commission determines that the construction of the proposed project would interfere with the normal flight patterns in use at the Clinton Municipal Airport or otherwise impair the safe operation of the airport, said application shall be denied.

b) If the Planning and Zoning Commission determines such construction shall not interfere with the safe operation of the airport, it shall grant the application and may impose conditions on the construction or operation of the project to ensure it will not become a safety hazard for use of the airport. Additionally, if the land on which the project is to be located must

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be rezoned, the Commission shall recommend such zoning change to the City Council.

Section 6. Any applicant, citizen or other interested party which is aggrieved by the decision of the Planning and Zoning Commission may appeal such decision to the Clinton City Council by writing a letter to the City Clerk requesting a review of the decision within thirty (30) days of the date of the decision. Upon receipt of such request the City Council shall consider the matter at its next regularly scheduled meeting provided said meeting is at least one week after the date of the request.

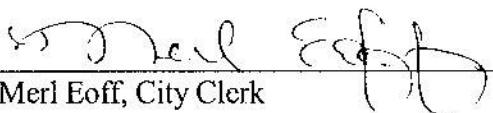
Section 7. Emergency Clause: The safe use and operation of the Clinton Municipal Airport being essential to the growth, prosperity and well-being of the City and to the patrons of the Clinton Municipal Airport, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the date of its passage.

PASSED: March 21, 2003.



Chip Ellis, Mayor

ATTEST:



Merl Eoff, City Clerk

APPROVED AS TO LEGAL FORM:



Brad A. Cazort, City Attorney

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