

ORDINANCE NO. 2006-01

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT  
ON A TRACT OF LAND IN THE CITY OF CLINTON, ARKANSAS,  
TO ALLOW THE CONSTRUCTION AND USE OF A WIRELESS  
CELLULAR TOWER AS A UTILITY SUBSTATION, DECLARING  
AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS,** The City Council previously passed Ordinance 2003-18 which provided for a comprehensive zoning plan for the City of Clinton; and

**WHEREAS,** The owner of a certain tract of land has sought permission for a Conditional Use Permit to allow the construction and use of a wireless cellular tower on his property which is currently zoned Residential; and

**WHEREAS,** said zoning Ordinance authorizes a Conditional Use Permit on residential zoned property for utility substations located on such property; and

**WHEREAS,** the Board of Adjustment originally granted a variance for the use of the proposed cellular tower as well as for the height but later rescinded its grant of a variance for the use as a cellular tower sight as it was determined that the granting of a variance for such use was not proper; and

**WHEREAS,** upon an amended application for a Conditional Use Permit on the property for the use as a cellular tower sight the Planning Commission has now conducted a public hearing on the request as required by ordinance; and

**WHEREAS**, as a result of the hearing the Planning Commission has determined that the application is for a public purpose, that it falls within the authorized conditional uses allowed in residentially zoned property as a utility substation with no staff required and with partial screening and recommends that said application for a Conditional Use Permit on the tract be granted.

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

**Section 1:**

A Conditional Use Permit is hereby granted to construct and operate a wireless cellular tower on the following residentially zoned tract of land located in the City of Clinton, Arkansas, to wit:

A TRACT OF LAND LYING IN AND BEING PART OF THE SW1/4 SW1/4 OF SECTION 2, T-10-N, R-14-W, AS DESCRIBED IN DOCUMENT 98-5052, OFFICIAL RECORD OF VAN BUREN COUNTY, ARKANSAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 5/8" IRON ROD WITH CAP FOUND FOR THE NORTHEAST CORNER OF SAID SW1/4 SW1/4: THENCE N 89°21'03" W ON THE NORTH LINE OF SAID SW1/4 SW1/4 A DISTANCE OF 478.94 FEET TO A POINT ON SAID NORTH LINE: THENCE S 00°38'57" W PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 919.31 FEET TO A 1/2" IRON ROD SET FOR THE NORTHWEST CORNER, SAID CORNER BEING THE POINT OF BEGINNING: THENCE S 49°59'28" E A DISTANCE OF 100.00 FEET TO A 1/2" IRON ROD SET FOR THE NORTHEAST CORNER: THENCE S 40°00'32" W A DISTANCE OF 100.00 FEET TO A 1/2" IRON ROD SET FOR THE SOUTHEAST CORNER, THENCE N 49°59'28" W A DISTANCE OF 100.00 FEET TO A 1/2" IRON PIN SET FOR THE SOUTHWEST CORNER: THENCE N 40°00'32" A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING CONTAINING 10,000.00 SQUARE FEET OR 0.230 ACRES MORE OR LESS.

**Section 2:**

The application is for a public purpose and the Council finds that a wireless cellular tower is a utility substation use that is permitted as a conditional use on residentially zoned property.

**Section 3:**

The efficient and harmonious application of all laws relating to land use within the City of Clinton as well as the equal application of the law to all persons wishing to develop property within the city is essential to the public welfare. As it may appear that the City has impeded proper development by initially processing the application in the wrong manner and as the development of the use proposed in the application will be of immediate benefit to the citizens of the City of Clinton, therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of approval.

PASSED: September 14, 2006

  
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Chip Ellis, Mayor

ATTEST:

  
  
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Merl Eoff, Recorder/Treasurer/Clerk, CMC

APPROVED AS TO LEGAL FORM:

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Brad A. Cazort, City Attorney