

ORDINANCE NO. A-332

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE CONWAY MUNICIPAL AIRPORT, BY CREATING AIRPORT APPROACH SURFACE, HORIZONTAL SURFACE, CONICAL SURFACE, AND TRANSITIONAL SURFACE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT: AND IMPOSING PENALTIES,

In pursuance of the authority conferred by The Airport Zoning Enabling Act, Act 116, Acts of Arkansas, 1941, and for the purpose of promoting the public health, safety, and general welfare, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of users of the Conway Municipal Airport, and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the Airport and the public investment therein;

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, as follows:

Section 1. Short Title, This ordinance shall be known and may be cited as the "Airport Zoning Ordinance of the Conway Municipal Airport,"

Section 2, Definitions, As used in this ordinance, unless the context otherwise requires:

(1) "Airport" means the Conway Municipal Airport, Conway, Arkansas\*

(2) "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.

(3) "Non-conforming use" means any structure, tree, or use of land which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulations.

(4) "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar re-

presentative thereof.

(5) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke-stacks, and overhead transmission lines,

(6) "Landing area" means the area of the Airport used for the landing, take-off, or taxiing of aircraft,

(7) "Tree" means any object of natural growth.

Section 3. Airport Zoning Map. In order to outline definitely the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard, the Airport Zoning Map, dated November 8, 1957, of the Conway Municipal Airport, Conway, Arkansas, attached hereto is hereby incorporated into this ordinance and made a part thereof,

(1) The Established Elevation of the Airport is: 308 Feet MSL.

(2) The Airport Reference Point is established at a location described as follows: A point located 650 feet south and 1877 feet west of the NE corner of the SE $\frac{1}{4}$ , Section 7, Township 5 North, Range 13 West, Faulkner County, Arkansas, the same point being the midpoint of the centerline of the paved runway,

Section 4. Zones. In order to carry out the purposes of this ordinance, airport approach surface zones, horizontal surface zones, conical surface zones, and transitional surface zones are hereby established as hereinafter defined and as shown on the attached Airport Zoning Map.

(1) Approach Surface Zones. The approach surface zone is an inclined plane located directly above the approach area. The dimensions of the approach area are measured horizontally. The approach areas for each particular runway are symmetrically located with respect to the extended runway center lines and have lengths and widths as shown on the attached Airport Zoning Map, which also shows the slopes of the respective approach surface zones.

(2) Horizontal Surface Zone. The horizontal surface zone is a plane, circular in shape, with its height 150 feet above the established airport elevation and having a radius from the airport reference point as indicated on the attached Airport Zoning Map.

(3) Conical Surface Zone. The conical surface zone extends upward and outward from the periphery of the horizontal surface zone

with a slope of 20:1 measured in a vertical plane passing through the airport reference point. Measuring radially outward, from the periphery of the horizontal surface zone, the conical surface extends for a horizontal distance as shown on the attached Airport Zoning Map.

(4) Transitional Surface Zones. The transitional surface zones are inclined planes with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the center line of the runway. The transitional surface zones, symmetrically located on either side of the runway, extend upward and outward from a line on either side of the runway which is parallel to and level with the runway center line. These parallel lines are at a horizontal distance from the runway center line equal to one-half of the minimum width of each approach area as shown on the attached Airport Zoning Map.

#### Section 5. Height Limits:

(1) Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone to a height in excess of the height limit herein established for such zone. For purposes of this regulation, height limits shown on the attached Airport Zoning Map are hereby established for each of the zones in question.

(2) Such portions of the Transitional Zones adjoining the landing strips and within the boundary of the Airport property are further restricted to prohibit any fixed structure above the ground surface within 250 feet of the centerline of either landing strip. In cases where there is overlapping of zones within any other zone, the lower height limitation fixed for either of such zones shall apply; provided, however, that the height or other limitation and restriction herein imposed shall not apply to such structures and uses as may be needful, appropriate or customarily employed for aeronautical purposes.

Section 6. Use Restrictions. Notwithstanding any other provisions of this ordinance, no use may be made of land within any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, in such manner as to create electrical interference with radio communication between the Airport and aircraft, make it difficult for flyers to distinguish between airport

lights and others, result in glare in the eyes of flyers using the Airport, impair visibility in the vicinity of the Airport, or otherwise endanger the landing, taking-off, or maneuvering of aircraft,

Section 7. Non-conforming Uses. The regulations prescribed in Sections 5 and 6 of this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted and completed within two years thereof.

Section 8, Variances. Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this ordinance, may apply for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance.

Section 9. Permits.

(1) Future Uses. No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted, or otherwise established, in any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, unless a permit therefor shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit applied for shall be granted,

(2) Existing Uses. Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, within any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface

zone, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this ordinance or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of existing use, structure, or tree shall be granted,

Section 10. Hazard Marking and Lighting. Any permit or variance granted under Section 8 or 9 may, if such action is deemed advisable to effectuate the purposes of this ordinance and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City of Conway, Arkansas, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Section 11. Administrative Agency. The \_\_\_\_\_ is hereby designated the administrative agency or administrative officer charged with the duty of administering and enforcing the regulations herein prescribed. The duties of the administrative agency or officer shall include that of hearing and deciding all permits under Section 9.

Section 12. Judicial Review. Any person aggrieved, or taxpayer affected, by any decision of the Administrative Agency may appeal to the Circuit Court, as provided in Section 6 of The Airport Zoning Enabling Act, Act 116, Acts of Arkansas, 1941.

Section 13. Penalties. Each violation of this ordinance or of any regulation, order or ruling promulgated hereunder shall be punishable by a fine of not more than \$100.00 or imprisonment for not more than 30 days, or both, such fine and imprisonment, and each day a violation continues, shall be a separate offense,

Section 14. Conflicting Regulations. Where this ordinance imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation, the provisions of this ordinance shall govern,

Section 15. Severability. If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this and the provisions of this ordinance are declared to be severable.

Section 16, Effective Date, This ordinance shall take effect December 1, 1958.

Passed and approved this 28th day of October, 1958.

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Mayor

CITY OF CONWAY, ARKANSAS

ATTEST:

CITY CLERK\*RECORDER

C E R T I F I C A T E

I hereby certify that I have examined Ordinance No. A-332 of the Airport Zoning Board of Conway, Arkansas, entitled "An ordinance regulating and restricting the height of structure\$ and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Conway Municipal Airport, by creating airport approach surface, horizontal surface, conical surface, and transitional surface zones and establishing the boundaries thereof,; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties," and that said ordinance was enacted pursuant to applicable

Grant Agreement and all state and local laws,

Dated this 28th day of October, 1958.

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CITY ATTORNEY FOR THE CITY OF  
CONWAY, ARKANSAS

ORDINANCE NO. A - 331

AM ORDINANCE TO AMEND SECTION ONE (1) AND SECTION TWO (2) OF ORDINANCE NO. A-306 OF THE CITY OF CONWAY, ARKANSAS: ~~DECLARING AN EMERGENCY~~ : AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION ONE (1). Section 1 of Ordinance No. A-306 of the City of Conway, Arkansas, adopted the 11 day of Oct., 1955, is hereby amended to read as follows:

"SECTION ONE (1). Pursuant to the provisions of Act No. 186 of the Acts of the General Assembly of the State of Arkansas for the year 1957, there is hereby created a Planning Commission for the City of Conway, Arkansas, to consist of ten (10) members, at least two-thirds (2/3) of which members of said Commission shall hold no other appointive or elective municipal office. The members of said Planning Commission shall be nominated by the members thereof then serving thereon and, when confirmed by City Council of the City of Conway, such nominee shall be deemed duly selected and qualified for membership on said Commission. Provided, however, no member shall be permitted to succeed himself as a member of said Commission upon the expiration of his term."

SECTION TWO (2). Section 2 of said Ordinance No. A-306, enacted as above, is hereby amended to read as follows:

"Section TWO (2). The nine (9) members serving upon the Planning Commission of the City of Conway, Arkansas at the time of the enactment of this ordinance shall select one (1) other qualified person and such ten (10) persons shall comprise the membership of said Commission first to serve following the enactment hereof, such enactment constituting the confirmation of members of said Commission as hereinafter set forth. The members of said Commission shall each be selected for a term of five (5) years, commencing with the anniversary date of his selection and confirmation, provided, that the members of said commission first selected following the enactment of this ordinance, as hereinabove set forth, shall by lot determine

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the term for which each shall serve, as follows Two (2) members shall be selected initially for a term of One (1) year; Two (2) members shall be selected initially for a term of Two (2) years; Two (2) members shall be selected initially for a term of three (3) years; Two (2) members shall be selected initially for a term of four (4) years; and two (2) members shall be selected initially for a term of five (5) years. Upon the expiration of the term of any member thereafter the remaining members of said Commission shall nominate one person to succeed such retiring member and upon confirmation by the City Council the person so nominated shall be duly appointed and selected a member of the Commission, provided that no member may succeed himself. And should a vacancy occur on said Commission for any reason other than the expiration of the term of any member, then a member shall be selected in the manner aforesaid to serve the unexpired term of such member so vacating such office."

SECTION THREE (3). All laws or parts of laws in conflict herewith are hereby repealed.

SECTION FOUR (4). It is hereby declared that should any section, paragraph, sentence, clause or word of this ordinance be declared for any reason invalid, it is the intent of the City Council of the City of Conway, Arkansas that it would have passed all other portions of this ordinance independent of the elimination of any portion herefrom as may be declared invalid.

SECTION FIVE (5). This ordinance shall take effect and be in force from and after January 1, 1959.

PASSED: This 23 day of September, 1958.

APPROVED: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

City Clerk