

# Excerpts from The Conway Zoning Ordinance Transmission Tower Regulations

These excerpts are taken from the Conway Zoning Ordinance O-94-54.

The full ordinance should be consulted. It is available online at:

[www.conwayplanning.org](http://www.conwayplanning.org)

or a copy may be obtained from the Conway Planning Department.

## **Quick Summary:**

- Transmission towers are allowed in all zoning districts by approved conditional use permit.
- Please refer to the General Regulations, Section 601.26 Transmission Tower/Station in this handout and the Zoning Ordinance for specific tower design and height regulations.
- Colocations are allowed and encouraged. Existing towers and structures do not require Planning Commission and City Council approval if all existing conditional use permit and/or zoning regulations are met. Proper building permits must be obtained.

## **Tower Definition**

Transmission Tower/Station: A tower with antenna(s), and/or associated support equipment providing wireless transmission of voice, data, images, or other wireless electronic information. Uses include, but are not limited to, cellular telephone service, radio, and television. This definition does not include amateur radio communication installations, public utility, and City of Conway towers less than 50 feet in height whether lattice or monopole. (Ordinance O-13-62) (Page 39)

## **General Regulations**

### SECTION 601.26 – TRANSMISSION TOWER/STATION

Transmission towers/station are permitted in all zoning districts by conditional use permit. Unless outstanding conditions warrant otherwise, the following conditions apply to any transmission tower/station. If the Planning Commission/City Council find outstanding conditions are warranted, deviations from these prescribed conditions may be allowed. Amateur radio communication installations, public utility, and City of Conway towers less than 50 feet in height whether lattice or monopole, are not subject to conditional use review, or regulations stated below.

**Height.** Tower height shall be limited to 150 feet maximum as measured from average undisturbed soil area to the highest tower projection. The City Council reserves the right to limit tower height for any given location to the most appropriate height.

**Setbacks.** Transmission towers shall be setback a distance equal to the tower's height from the property line or any occupiable structure.

If the Applicant provides a letter or design drawings stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure, the setbacks shall be reduced to applicable structure setbacks per zoning district.

Accessory equipment must conform to the setback standards of the applicable zone.

**Monopole only.** Transmission towers shall be a monopole design. A monopole is defined as a single, freestanding pole-type structure supporting one or more antenna. A lattice-type structure whether guyed or freestanding, is prohibited.

**Internal Antenna and Wiring:** All antennas, cabling, and wiring shall be internally mounted. No antennas or wiring shall be visible on the exterior of the tower.

**Fencing.** Ground mounted accessory equipment and support structures shall be secured and enclosed with a fence not less than 6 feet in height. If the tower location is within view of a public right of way, or an aesthetically sensitive area, fence shall be made of a durable material appropriate for the development and/or area. Brick or masonry shall be the preferred materials. Lesser material shall be appropriate for non aesthetically sensitive areas.

**Landscaping:** If the tower location is viewable from a public right of way, or otherwise located in an aesthetically sensitive area, landscaping shall be required surrounding the fencing of accessory equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The City Council may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the City Council, landscaping is not appropriate or necessary.

**Lighting. Lighting and Marking.** Telecommunications Facilities or Support Structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

Signage. Signs located at the transmission tower/station shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.

Removal. Any transmission tower/station which is not used for a continuous period of twenty four (24) months must be dismantled and removed by the telecommunications service provider.

Colocation. A colocation or installation of transmission equipment to existing structures shall not be required to seek a conditional use permit. All tower co-location installations must conform to any conditions set per transmission site’s conditional use permit and/or zoning regulations. Any additional support equipment and/or structures shall be regulated per prior site conditional use permit, zoning district setbacks, overlay districts, historic districts, or other zoning regulation in effect. Any co-location accessory equipment shall obtain appropriate permits such as building, electrical, structural, etc.

Carrier on Wheels (COW). A carrier on wheels defined as a portable self-contained telecommunications facility normally mounted on a vehicle, may be allowed to offer temporary or emergency wireless service. The Mayor, or his representative may issue a permit to allow a carrier on wheels for special events, or emergency service for a period not to exceed 90 days. (Ordinance O-13-62) (Pages 117 – 118)

## Land Use - Zoning

Allowed Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2	TJ
Transmission tower/station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C

(Addendum Page 20)

## Miscellaneous Regulations

### SECTION 601.14 - HEIGHT

The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations. See sections 401.4 through 401.9.

In measuring heights, a habitable attic shall be counted as a story unless the area of the attic at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment. (Page 104)

Chimneys, elevators, poles, spires, tanks, towers, (except for transmission towers/station) and other projections not used for human occupancy may extend above the height limit. *Transmission towers/station must conform to the height limits established for buildings in their respective zoning districts except in the industrial zoning districts (I-1, I-2 and I-3) where transmission towers/station may be up to 150 feet in height. Any transmission tower/station which is not used for a continuous period of twelve (12) months must be dismantled and removed by the telecommunications service provider. (Ordinance O-98-33) (Page 105)*