

Mayor Bart Castleberry
Clerk/Treasurer Denise Hurd
City Attorney Charles Finkenbinder



City Council Members
Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Drew Spurgers
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Mark Ledbetter
Ward 3 Position 2 – Spencer Hawks
Ward 4 Position 1 – Theodore Jones Jr.
Ward 4 Position 2 – Shelia Isby

Tuesday, November 25th, 2025 City Council Agenda

Conway Municipal Building, City Council Chambers

<u>5:30 pm Committee:</u>	Entertainment District_The Village at Hendrix
<u>6:00 pm:</u>	City Council Meeting
<u>Call to Order:</u>	Bart Castleberry, Mayor
<u>Roll Call:</u>	Denise Hurd, Clerk/Treasurer
<u>Minutes Approval:</u>	November 11 th , 2025
<u>Monthly Financial Approval:</u>	October 31st, 2025

A. Public Hearings:

1. Public Hearing – Discussion of an ordinance to issue Telecommunications Revenue Improvement Bonds for Conway Corporation.
2. Public Hearing – Discussion of an Electric Revenue Improvement Bonds for Conway Corporation.

B. Economic Development Committee (Conway Area Chamber of Commerce, Conway Development Corporation, Conway Downtown Partnership, & Conway Corporation)

1. Consideration to approve waiving all three readings for the ordinances on the November 25th, 2025, City Council agenda.
2. Ordinance authorizing the issuance of Telecommunication revenue improvement bonds for Conway Corporation.
3. Ordinance authorizing the issuance of Electric revenue improvement bonds for Conway Corporation.

C. Community Development Committee (Airport, Community Development, Code Enforcement, Permits, Inspections, & Transportation, Planning & Development)

1. Ordinance to approve an Old Conway Design Overlay District for the Planning & Development Department.
2. Ordinance O-25-87 amending the Conway Zoning Code (ARTICLE III) for the purposes of building and lot coverage for the Planning & Development Department.
3. Ordinance O-25-88 amending the Conway Zoning Code for the purposes of eliminating conflicts between Article IV and Article X; providing flexibility in parking requirements, simplification of language for the Planning & Development Department.
4. Ordinance O-25-89 amending the Conway Zoning Code (ARTICLE X), clarifying site development review scope, process, and fee schedule for the Planning and Development Department.

5. Ordinance O-25-90 amending the Conway Zoning Code (XIII) as amended for the purpose of defining or redefining terms for the Planning & Development Department.
6. Consideration to approve a conditional use approval to allow Religious Activity and Retail – General uses in the I-3 zone for property located at 700 S S German Lane.

D. Public Service Committee (Physical Plant, Parks & Recreation, & Sanitation)

1. Ordinance appropriating grant funds from the Best Friends Animal Society for the Conway Animal Services.

E. Public Safety Committee (Police, Fire, District Court, IT, CEOC, City Attorney)

1. Consideration to dispose of assets from inventory for the Conway Fire Department.

F. New Business:

1. Resolution to approve the reallocation of the Pay-As-You-Go funding for the City of Conway.

Adjournment



City of Conway, Arkansas
Monthly Financial Reports
October 31, 2025

City of Conway
Monthly Financial Report - General Fund
For the month ended October 31, 2025



	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u> <u>Budget</u>	<u>%</u> <u>Expend/Collect</u>
Revenues						
Property Tax	5,000,000	1,780,907	4,432,657		567,343	89%
Payments in Lieu of Tax	30,000	-	(200,478)		230,478	-668%
State Tax Turnback	2,400,000	387,622	2,431,171		(31,171)	101%
Sales Tax	30,500,000	2,580,072	25,288,728		5,211,272	83%
Beverage Tax	650,000	-	395,875		254,125	61%
Franchise Fees	3,898,400	355,260	3,980,767		(82,367)	102%
Licenses and Permits	654,000	76,178	490,844		163,156	75%
Public Safety	4,493,451	799,455	3,519,937		973,514	78%
Community Center	1,514,213	23,742	388,851		1,125,362	26%
Parks & Recreation	881,300	88,071	1,095,289		(213,989)	124%
Interest Income	450,000	66,945	799,547		(349,547)	178%
Contributions and Donations	5,000	-	5,500		(500)	110%
Grant Revenue	39,342	-	39,342		-	100%
Proceeds from Long Term Debt	4,000,000	-	3,968,530		31,470	99%
Lease Revenue	68,950	-	50,938		18,012	74%
Proceeds from Sale of Assets	3,231	1,824	61,118		(57,887)	1892%
Transfers In	770,000	-	260,000		510,000	34%
Insurance Proceeds	63,937	12,347	79,105		(15,169)	124%
Miscellaneous Revenues	25,000	7,616	52,837		(27,837)	211%
Total Revenues	55,446,823	6,180,039	47,140,556		8,306,267	85%
Expenditures						
Admin (Mayor, HR)	1,339,064	92,335	1,038,087	20,578	280,399	78%
Finance	553,151	28,858	406,553	-	146,598	73%
City Clerk/Treasurer	180,997	13,212	143,362	30	37,604	79%
City Council	90,737	7,777	66,399	-	24,338	73%
Planning	734,689	42,513	591,169	5,663	137,858	80%
Physical Plant	966,891	82,112	764,862	21,647	180,382	79%
Information Technology	1,744,617	120,162	1,315,266	15,093	414,258	75%
Permits and Inspections	645,491	50,008	489,289	3,402	152,800	76%
Community Center	9,071,346	302,219	7,832,989	158,023	1,080,334	86%
Nondepartmental	1,276,988	70,947	1,430,283	3,415	(156,709)	112%
Police	18,687,899	1,254,024	14,530,857	427,966	3,729,076	78%
CEOC	4,930,037	217,247	2,540,283	51,694	2,338,060	52%
Animal Welfare	576,651	40,926	419,106	3,574	153,971	73%
Municipal District Court	1,065,884	97,852	885,198	3,057	177,629	83%
City Attorney	672,833	46,693	479,468	1,727	191,638	71%
Fire	16,730,075	1,031,904	14,077,163	371,592	2,281,320	84%
Parks	4,505,598	397,545	3,782,150	56,621	666,827	84%
Total Expenditures	63,772,949	3,896,335	50,792,482	1,144,083	11,836,384	80%
Net Revenue/(Expense)	(8,326,125)		(3,651,927)			

*All figures are unaudited

Notes:

1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway
General Fund
2025



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-25-12	1/28/25	Funds for the completion of the Community Center	7,600,000
O-25-13	1/28/25	Fire department beanie caps	250
O-25-25	2/25/25	Bulletproof vest funds received in 2024 to be spent in 2025	18,530
O-25-28	3/11/25	Lease office space for Police Dept	25,000
O-25-56	7/22/25	Replace outdoor warning siren	50,000
O-25-59	7/22/25	Computer equipment for police department	108,957
O-25-61	7/22/25	Firefighter pay adjustments	160,000
			<u>\$ 7,962,737</u>

City of Conway
Balance Sheet - General Fund
As of October 31, 2025



Cash - Operating	14,128,194
Cash - Reserve	2,013,901
Petty Cash	715
Taxes Receivable	5,379,139
Accounts Receivable	5,556,264
Lease Receivable	532,199
Due from Street	32,028
Due from Component Unit	521,601
Due from Municipal Court	78,686
Fuel Inventory	5,398
General Inventory	585
Assets	28,248,712
Accounts Payable	1,612
Insurance and Benefits Payable	(111,935)
Event Deposits	9,400
Held for Others - Crimestopper Reward	5,000
Held for Others - Performance Bonds	5,195
Deferred Revenue	4,906,248
Unearned Revenue	1,469,873
Liabilities	6,285,393
Fund Balance	21,963,319
Total Liabilities & Fund Balance	28,248,712

*All figures are unaudited

City of Conway
Monthly Financial Report - Street Fund
For the month ended October 31, 2025



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
Revenues						
Property Tax	1,800,000	653,320	1,635,419		164,581	91%
Payments in Lieu of Tax	10,000	-	-		10,000	0%
State Tax Turnback	4,800,000	402,309	4,105,195		694,805	86%
State Tax Turnback - Other	80,000	-	-		80,000	0%
Severance Tax	100,000	8,341	88,052		11,948	88%
State Tax Turnback - Wholesale	400,000	36,280	353,396		46,604	88%
Sales Tax	420,000	36,151	354,336		65,664	84%
Federal Grant Revenues	-	-	664,169		(664,169)	-
Sign Permits	-	-	180		(180)	-
Engineering Fees	10,000	200	11,900		(1,900)	119%
Fees for Street Cuts	-	4,825	81,710		(81,710)	-
Insurance Proceeds	-	-	4,891		(4,891)	-
Interest Income	200,000	20,622	223,808		(23,808)	112%
Miscellaneous Revenues	-	-	2,371		(2,371)	-
Total Revenues	7,820,000	1,162,049	7,525,427	-	294,573	96%
Expenditures						
Personnel Costs	3,432,381	219,765	2,341,046	-	1,091,335	68%
Other Operating Costs	4,567,698	811,584	4,104,427	86,513	376,758	90%
Total Operating Costs	8,000,079	1,031,349	6,445,473	86,513	1,468,093	81%
Capital Outlay	1,501,969	37,116	791,749	383,574	326,646	53%
Total Expenditures	9,502,049	1,068,466	7,237,222	470,088	1,794,739	76%
Net Revenue/(Expense)	(1,682,049)		288,205			

*All figures are unaudited

Notes:

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City of Conway
Street Fund
2025



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-25-04	1/14/25	Condemnation settlement - Linn	267,875
O-25-17	2/11/25	Install fiber optic lines on Dave Ward Dr.	130,000
O-25-18	2/11/25	Technology upgrades for Harkrider facility	125,000
			\$ 522,875

City of Conway
Balance Sheet - Street Fund
As of October 31, 2025



Cash - Operating	6,214,010
Taxes Receivable	75,371
Accounts Receivable	2,415,724
<i>Assets</i>	<u>8,705,105</u>
Insurance and Benefits Payable	5,706
Due to General Fund	32,028
Deferred Revenue	1,804,867
<i>Liabilities</i>	<u>1,842,602</u>
<i>Fund Balance</i>	<u>6,862,503</u>
<i>Total Liabilities & Fund Balance</i>	<u>8,705,105</u>

*All figures are unaudited

City of Conway
Monthly Financial Report - Sanitation
For the month ended October 31, 2025



	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to</u> <u>Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u> <u>Budget</u>	<u>%</u> <u>Expend/Collect</u>
Revenues						
Sanitation Fee Rev-Residential	10,000,000	1,886,008	8,887,855		1,112,145	89%
Proceeds - Recycled Materials	500,000	73,516	498,981		1,019	100%
Landfill Fees - General	350,000	43,660	403,359		(53,359)	115%
Insurance Proceeds	-	-	3,896		(3,896)	-
Interest Income	600,000	79,556	838,001		(238,001)	140%
Proceeds from Sale of Assets	-	-	37,311		(37,311)	-
Miscellaneous Revenues	-	200	3,649		(3,649)	-
Total Revenues	11,450,000	2,082,941	10,673,050	-	776,950	93%
Expenditures						
Personnel Costs	6,216,500	457,331	5,084,996	-	1,131,504	82%
Other Operating Costs	<u>5,557,052</u>	<u>232,542</u>	<u>2,476,009</u>	<u>399,622</u>	<u>2,681,421</u>	<u>45%</u>
Total Operating Costs	11,773,552	689,873	7,561,005	399,622	3,812,925	64%
Capital Outlay	<u>4,438,218</u>	<u>71,814</u>	<u>2,013,701</u>	<u>1,099,750</u>	<u>1,324,767</u>	<u>45%</u>
Total Expenditures	16,211,770	761,687	9,574,706	1,499,372	5,137,692	59%
Net Revenue/(Expense)	(4,761,770)		1,098,345			

***All figures are unaudited**

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway
Sanitation Fund
2025



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-25-12	1/28/25	Funds for the completion of the Community Center	2,000,000

City of Conway
Balance Sheet - Sanitation
As of October 31, 2025



Cash - Operating	16,552,447
Petty Cash	200
Post Closure Cash Account	7,292,104
Due from Component Unit	993,020
General Inventory	2,122
Land & Buildings	2,165,364
Infrastructure	949,835
Machinery, Equipment & Vehicles	3,495,611
Deferred Outflows of Resources	445,823
Deferred Outflows of Resources-OPEB	193,091
Assets	<u>32,089,618</u>
Accounts Payable	856
Insurance and Benefits Payable	(4,044)
Compensated Absences	272,889
Net Pension Obligation	11,963,551
Deferred Inflows of Resources	2,805,804
Deferred Inflows of Resources-OPEB	280,270
Net OPEB Liability	882,704
Landfill Close/Post Close	9,283,034
Liabilities	<u>25,485,064</u>
Net Position	6,604,554
Total Liabilities and Net Position	<u>32,089,618</u>

***All figures are unaudited**

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway
Monthly Financial Report - Airport
For the month ended October 31, 2025



	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to</u> <u>Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u> <u>Budget</u>	<u>%</u> <u>Expend/Collect</u>
Revenues						
Sales Tax	40,000	3,352	33,924		6,076	85%
Airport Fuel Sales	1,720,000	80,094	1,557,302		162,698	91%
T-Hangar Rent	185,400	7,910	176,901		8,500	95%
Community Hangar Rent	43,200	3,000	24,000		19,200	56%
Ground Leases	20,665	4,755	24,053		(3,388)	116%
Misc Revenue - Non air	10,000	-	14,243		(4,243)	142%
Miscellaneous Revenues	22,000	2,097	29,352		(7,352)	133%
Total Revenues	2,041,265	101,208	1,859,774	-	181,491	91%
Expenditures						
Personnel Costs	421,023	36,468	371,861	-	49,162	88%
Fuel for Resale	1,450,000	141,803	1,231,223	-	218,777	85%
Other Operating Costs	170,242	11,364	149,952	3,274	17,016	88%
Total Operating Costs	2,041,265	189,634	1,753,036	3,274	284,956	86%
Capital Outlay	36,000	-	-	-	36,000	0%
Total Expenditures	2,077,265	189,634	1,753,036	3,274	320,956	84%
Net Revenue/(Expense)	(36,000)		106,739			

***All figures are unaudited**

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway
Airport Fund
2025



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-25-02	1/14/25	FAA grant match	36,000

City of Conway
Balance Sheet - Airport
As of October 31, 2025



Cash - Operating	429,620
Taxes Receivable	5,550
Accounts Receivable - Fuel Vendor	22,638
Fuel Inventory	53,276
Land	1,254,473
Buildings	4,522,530
Machinery & Equipment	84,682
Infrastructure	20,102,639
Deferred Outflows of Resources-OPEB	2,647
Assets	<u>26,478,056</u>
Compensated Absences	12,153
Deferred Inflows of Resources	12,099
Deferred Inflows of Resources-OPEB	3,842
Unearned Revenue	256,944
Note Payable	600,000
Liabilities	<u>885,038</u>
Net Position	25,593,018
Total Liabilities & Net Position	<u>26,478,056</u>

***All figures are unaudited**

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway

Monthly Financial Report - Major Project Funds As of October 31, 2025



Parks and Rec A&P Tax

Balance, 9/30/25	392,219
Receipts	889,272
Payments	(187,194)
Balance, 10/31/25	\$ 1,094,297

Pay as you go Sales Tax

Balance, 9/30/25	13,255,004
Receipts	520,639
Payments	(669,282)
Balance, 10/31/25	\$ 13,106,361

Street Impact Fees

Balance, 9/30/25	1,669,245
Receipts	38,157
Payments	(5,376)
Balance, 10/31/25	\$ 1,702,026

Parks Impact Fees

Balance, 9/30/25	453,548
Receipts	4,076
Payments	-
Balance, 10/31/25	\$ 457,624

Street Sales Tax

Balance, 9/30/25	20,244,506
Receipts	213,413
Payments	(36,926)
Balance, 10/31/25	\$ 20,420,993

American Rescue Plan Act

Balance, 9/30/25	1,024,800
Receipts	3,561
Payments	-
Balance, 10/31/25	\$ 1,028,361

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Mayor and City Council of the City of Conway, Arkansas (the “City”) at the place and time set forth below on the question of the issuance by the City of up to \$37,800,000 principal amount of its Telecommunications Revenue Improvement Bonds, Tax-Exempt Series 2025 (the “Bonds”), under the authority of Amendment 65 to the Arkansas Constitution and Arkansas Code Annotated §§14-164-401 *et seq.*

The proceeds of the Bonds will be used (i) to pay for the costs of planning, design, acquisition, construction and installation of a fiber optic communications system throughout the City (the “Project”), (ii) to purchase a policy of municipal bond insurance, if deemed economically advantageous, (iii) to fund a debt service reserve or to purchase a surety bond or a policy of municipal bond debt service reserve insurance, if deemed economically advantageous, and (iv) to pay costs of issuance of the Bonds. The Project shall consist of approximately 3,000 miles of fiber to allow for service availability to approximately 21,000 addresses.

A public hearing will be held with respect to the issuance of the Bonds on Tuesday, November 25, 2025, at 6:00 p.m., in the City Council Chambers, 1111 Main Street, Conway, Arkansas. Any persons interested may express their views, both orally and in writing, on the proposed issuance of the Bonds and on the nature of the improvements to be financed thereby. At such hearing, all objections and suggestions will be heard and considered, and such action will be taken by the City Council as is deemed proper in response to said objections and suggestions.

This notice is published and the above described hearing is to be held in satisfaction of the requirements of Arkansas Code Annotated §19-9-607.

Bart Castleberry, Mayor

Publication Instructions: Publish one time in the *Log Cabin Democrat* not later than November 15, 2025. Please send two proofs of publication to Kutak Rock LLP, 124 W. Capitol, Suite 2000, Little Rock, Arkansas, 72201, Attn: Gordon M. Wilbourn.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Mayor and City Council of the City of Conway, Arkansas (the “City”) at the place and time set forth below on the question of the issuance by the City of up to \$48,600,000 principal amount of its Electric Revenue Improvement Bonds, Tax-Exempt Series 2025 (the “Bonds”), under the authority of Amendment 65 to the Arkansas Constitution and Arkansas Code Annotated §§14-164-401 *et seq.*, §§14-202-101 *et seq.* and §§14-203-101 *et seq.*

The proceeds of the Bonds will be used (i) to pay a portion of the City’s share of the costs of acquiring, constructing and equipping a large natural-gas fired electric generation facility (the “Replacement Facility”), (ii) to purchase a policy of municipal bond insurance, if deemed economically advantageous, (iii) to fund a debt service reserve or to purchase a surety bond or a policy of municipal bond debt service reserve insurance, if deemed economically advantageous, and (iv) to pay costs of issuance of the Bonds.

The Replacement Facility will be an approximately 1500 MW combined-cycle gas turbine power plant to be located on approximately 100 acres located on the northeast corner of the intersection of Point Ferry Road and Headwaters Access Road in Independence County, Arkansas. It is expected that the Replacement Facility will be jointly owned by the City, the Arkansas Electric Cooperative Corporation (“AECC”), City Water and Light Plant of Jonesboro, Arkansas, the City of West Memphis, Arkansas, and possibly other owners. While final shares have yet to be determined, it is expected that the City’s ownership share of the Replacement Facility, as well as its share of the construction and acquisition costs and its right to the power produced by the Replacement Facility, will be 4%.

The City’s investment in the Replacement Facility is intended to replace (i) its 2% ownership in the White Bluff Steam Electric Station located in Jefferson County, Arkansas, and (ii) its 2% ownership in the Independence Steam Electric Station located in Independence County, Arkansas, both of which plants are scheduled to terminate operations in the upcoming years.

A public hearing will be held with respect to the issuance of the Bonds on Tuesday, November 25, 2025, at 6:00 p.m., in the City Council Chambers, 1111 Main Street, Conway, Arkansas. Any persons interested may express their views, both orally and in writing, on the proposed issuance of the Bonds and on the nature of the improvements to be financed thereby. At such hearing, all objections and suggestions will be heard and considered, and such action will be taken by the City Council as is deemed proper in response to said objections and suggestions.

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Bart Castleberry, Mayor

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MEMO

To: Mayor Castleberry
CC: City Council Members

From: Felicia T. Rogers
Date: November 21st, 2025
Re: November 25th, 2025 City Council Agenda

The following ordinances are included on the November 25th, 2025, City Council Agenda for consideration of waiving the three readings of each ordinance listed below:

1. B-2 Ordinance authorizing the issuance of Telecommunication revenue improvement bonds for Conway Corporation.
2. B- 3 Ordinance authorizing the issuance of Electric revenue improvement bonds for Conway Corporation.
3. C-1 Ordinance to approve an Old Conway Design Overlay District for the Planning & Development Department.
4. C-2 Ordinance (O-25-87) amending the Conway Zoning Code (ARTICLE III) for the purposes of building and lot coverage for the Planning & Development Department.
5. C-3 Ordinance (O-25-88) amending the Conway Zoning Code for the purposes of eliminating conflicts between Article IV and Article X; providing flexibility in parking requirements, simplification of language for the Planning & Development Department.
6. C-4 Ordinance (O-25-89) amending the Conway Zoning Code (ARTICLE X), clarifying site development review scope, process, and fee schedule for the Planning and Development Department.
7. C-5 Ordinance (O-25-90) amending the Conway Zoning Code (XIII) as amended for the purpose of defining or redefining terms for the Planning & Development Department.
8. D-1 Ordinance appropriating grant funds from the Best Friends Animal Society for the Animal Welfare Services.

Please advise if you have any questions.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF (1) NOT TO EXCEED \$37,800,000 OF TELECOMMUNICATIONS REVENUE IMPROVEMENT BONDS, TAX-EXEMPT SERIES 2025, BY THE CITY OF CONWAY, ARKANSAS FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN CAPITAL IMPROVEMENTS BENEFITTING THE CITY'S TELECOMMUNICATIONS SYSTEM; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE PURSUANT TO WHICH THE SERIES 2025 BONDS WILL BE ISSUED AND SECURED; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT PURSUANT TO WHICH THE SERIES 2025 BONDS WILL BE OFFERED; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE SERIES 2025 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Conway, Arkansas (the "City"), a city of the first class, presently owns a telecommunications system (the "Telecommunications System") serving the residents of the City, which Telecommunications System is operated and maintained by Conway Corporation, a nonprofit corporation organized and existing under the laws of the State of Arkansas (the "Corporation"), pursuant to a lease from the City and an exclusive franchise to operate the Telecommunications System granted to the Corporation by the City; and

WHEREAS, the City is authorized under the provisions of Amendment 65 to the Constitution of the State of Arkansas and Arkansas Code Annotated §§14-164-401 *et seq.* (the "Authorizing Legislation") to issue and sell its telecommunications revenue bonds for the purpose of financing and refinancing the cost of improvements to the Telecommunications System; and

WHEREAS, in order to secure funds necessary (i) to pay the costs of planning, design, acquisition, construction and installation of a fiber optic communications system throughout the City (the "Project"), (ii) to purchase a policy of municipal bond insurance, if deemed economically advantageous, (iii) to fund a debt service reserve or to purchase a surety bond or a policy of municipal bond debt service reserve insurance, if deemed economically advantageous, and (iv) to pay printing, legal, underwriting and other expenses incidental to the issuance of telecommunications revenue bonds for such purposes, the City has now determined to issue its Telecommunications Revenue Improvement Bonds, Tax-Exempt Series 2025, in an aggregate principal amount of not to exceed \$37,800,000 (the "Series 2025 Bonds"); and

WHEREAS, the City has determined to issue and secure the Series 2025 Bonds pursuant to a Trust Indenture to be dated as of the date of issuance of the Series 2025 Bonds (the "Trust Indenture"), by and among the City, the Corporation and First Security Bank, Searcy, Arkansas, as trustee (the "Trustee"), a form of which has been presented to and is before this meeting; and

WHEREAS, the City proposes to enter into a Bond Purchase Agreement (the “Bond Purchase Agreement”) in substantially the form presented to and before this meeting, with Stephens Inc., Little Rock, Arkansas, and Crews & Associates, Inc., Little Rock, Arkansas (the “Underwriters”), providing for the sale of the Series 2025 Bonds; and

WHEREAS, an open public hearing on the questions of the issuance of the Series 2025 Bonds and the financing of the Project has been held before the City Council and Mayor of the City on November 25, 2025, following publication of notice of such public hearing in the *Log Cabin Democrat* on November 12, 2025.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Conway, Arkansas that:

Section 1. The City Council hereby finds and declares that the acquisition, construction and equipping of the Project is in the best interests of the City and the customers of the Telecommunications System.

Section 2. (a) Under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment 65 to the Constitution of Arkansas and the Authorizing Legislation, there is hereby authorized the issuance of bonds of the City to be designated as “Telecommunications Revenue Improvement Bonds, Tax-Exempt Series 2025” (the “Series 2025 Bonds”). The Series 2025 Bonds shall be issued in the original aggregate principal amount of not to exceed Thirty-Seven Million Eight Hundred Thousand Dollars (\$37,800,000), and shall mature not later than December 1, 2056, in the principal amounts and bearing interest at the rates to be specified in the Bond Purchase Agreement. In no event shall the true interest cost relating to the Series 2025 Bonds exceed 6.00% per annum. The proceeds of the Series 2025 Bonds will be utilized (i) to plan, design, acquire, construct and install the Project, (ii) to purchase a policy of municipal bond insurance, if deemed economically advantageous, (iii) to fund a debt service reserve or purchase a surety bond or a policy of municipal bond debt service reserve insurance for reserve purposes, if deemed economically advantageous, and (iv) to pay printing, underwriting, legal and other expenses incidental to the issuance of the Series 2025 Bonds.

(b) The payment of the principal of and interest on the Series 2025 Bonds will be secured by a pledge of the revenues of the Telecommunications System (the “Revenues”) and, if deemed economically advantageous, by a pledge of surplus revenues of the City’s electric utility system (the “Surplus Electric Revenues”), all as provided in a Trust Indenture to be dated as of the date of delivery of the Series 2025 Bonds (the “Trust Indenture”), by and among the City, the Corporation and the Trustee. The Series 2025 Bonds shall be issued in the forms and denominations, shall be dated, shall be numbered, shall mature, shall be subject to redemption prior to maturity, and may contain such other terms, covenants and conditions, all as set forth in the Trust Indenture.

(c) The Mayor is hereby authorized and directed to execute and deliver the Series 2025 Bonds in substantially the form thereof contained in the Trust Indenture submitted to this meeting, and the City Clerk is hereby authorized and directed to execute and deliver the Series 2025 Bonds and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Series 2025 Bonds to be accepted and authenticated by the Trustee. The

Mayor is hereby authorized to confer with the Trustee, the Underwriters, and Kutak Rock LLP, Little Rock, Arkansas (“Bond Counsel”), in order to complete the Series 2025 Bonds in substantially the form contained in the Trust Indenture submitted to this meeting, with such changes as shall be approved by such persons executing the Series 2025 Bonds, their execution to constitute conclusive evidence of such approval.

Section 3. To prescribe the terms and conditions upon which the Series 2025 Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge the Trust Indenture, by and among the City, the Corporation and the Trustee, and the City Clerk is hereby authorized and directed to execute and acknowledge the Trust Indenture and to affix the seal of the City thereto, and the Mayor and the City Clerk are hereby authorized and directed to cause the Trust Indenture to be accepted, executed and acknowledged by the Corporation and the Trustee. The Trust Indenture is hereby approved in substantially the form submitted to this meeting, including, without limitation, the provisions thereof pertaining to the pledge of the Revenues to the Series 2025 Bonds and the terms of the Series 2025 Bonds. The Mayor is hereby authorized to confer with the Corporation, the Trustee, the Underwriters and Bond Counsel in order to complete the Trust Indenture in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Trust Indenture, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Trust Indenture in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 4. There is hereby authorized and approved a Preliminary Official Statement of the City, including the cover page and appendices attached thereto, relating to the Series 2025 Bonds. The Preliminary Official Statement is hereby “deemed final” within the meaning of U.S. Securities and Exchange Commission Rule 15c2-12. The distribution and use of the Preliminary Official Statement in connection with the offer and sale of the Series 2025 Bonds is hereby approved. The Preliminary Official Statement, as amended to conform to the terms of the Bond Purchase Agreement, including Exhibit A thereto, and with such other changes and amendments as are mutually agreed to by the City, the Corporation and the Underwriters, is herein referred to as the “Official Statement,” and the Mayor is hereby authorized to execute the Official Statement for and on behalf of the City. The Official Statement is hereby approved in substantially the form of the Preliminary Official Statement submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Trustee, the Underwriters and Bond Counsel in order to complete the Official Statement in substantially the form of the Preliminary Official Statement submitted to this meeting with such changes as shall be approved by such persons, the Mayor’s execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Preliminary Official Statement is on file with the City Clerk and is available for inspection by any interested person.)

Section 5. In order to prescribe the terms and conditions upon which the Series 2025 Bonds are to be sold to the Underwriters, the Mayor is hereby authorized and directed to execute, at the request of the Corporation, a Bond Purchase Agreement on behalf of the City, to be dated as of the date of its execution (the “Bond Purchase Agreement”), by and between the City and the

Underwriters, and the Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Underwriters and Bond Counsel in order to complete the Bond Purchase Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Bond Purchase Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Bond Purchase Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 6. In order to provide for continuing disclosure of certain financial and operating information with respect to the Telecommunications System in compliance with the provisions of Rule 15c2-12 of the U.S. Securities and Exchange Commission, the Mayor is hereby authorized and directed to execute a Continuing Disclosure Agreement to be dated as of the date of its execution (the “Continuing Disclosure Agreement”), by and among the City, the Corporation and First Security Bank, Searcy, Arkansas, as dissemination agent (the “Dissemination Agent”), and the Mayor is hereby authorized and directed to cause the Continuing Disclosure Agreement to be executed by the Corporation and the Dissemination Agent. The Continuing Disclosure Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Dissemination Agent, the Underwriters and Bond Counsel in order to complete the Continuing Disclosure Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Continuing Disclosure Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Continuing Disclosure Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 7. (a) In order to secure lower interest rates on the Series 2025 Bonds, the Underwriters have proposed that the City consider the purchase of a policy of municipal bond insurance with a portion of the proceeds of the Series 2025 Bonds, which policy would guarantee the payment of the principal of and interest on the Series 2025 Bonds when due. Upon a determination by the Mayor that such a purchase would be economically advantageous, the Mayor is hereby authorized to execute an insurance commitment for the delivery of a municipal bond insurance policy with respect to the Series 2025 Bonds and to do any and all things necessary to accomplish the delivery of such municipal bond insurance policy.

(b) In order to ensure that the maximum amount of proceeds of the Series 2025 Bonds be available to pay costs of the Project described above, the Underwriters have proposed that the City consider the purchase of a surety bond or a municipal bond debt service reserve insurance policy with a portion of the proceeds of the Series 2025 Bonds, which surety bond or policy would satisfy the funding requirements of the debt service reserve described in the Trust Indenture. Upon a determination by the Mayor that such a purchase would be economically advantageous, the Mayor is hereby authorized to execute a commitment for the delivery of such surety bond or policy for

deposit in the debt service reserve fund for the Series 2025 Bonds and to do any and all things necessary to accomplish the delivery of such surety bond or policy.

Section 8. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the issuance, sale, execution and delivery of the Series 2025 Bonds and to effect the execution and delivery of the Trust Indenture, the Continuing Disclosure Agreement, the Bond Purchase Agreement, the Official Statement and a Tax Compliance Agreement relating to the tax exemption of interest on the Series 2025 Bonds, and to perform all of the obligations of the City under and pursuant thereto. The Mayor and the City Clerk are further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 9. Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed to act as Bond Counsel on behalf of the City in connection with the issuance and sale of the Series 2025 Bonds.

Section 10. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be illegal or invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance.

Section 11. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 12. It is hereby found and determined that there is an urgent need to finance certain improvements and betterments to the Telecommunications System in order to alleviate hardships to the residents of the City, and in order to do so on the most favorable terms, it is necessary to enter into the Bond Purchase Agreement as soon as possible. Therefore, an emergency is hereby declared to exist and this Ordinance, being necessary for the immediate preservation of the public health, safety and welfare, shall be in force and take effect immediately upon and after its passage.

ADOPTED AND APPROVED THIS 25TH DAY OF NOVEMBER, 2025.

APPROVED:

ATTEST:

Mayor

City Clerk

(S E A L)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF (1) NOT TO EXCEED \$48,600,000 OF ELECTRIC REVENUE IMPROVEMENT BONDS, TAX-EXEMPT SERIES 2025, BY THE CITY OF CONWAY, ARKANSAS FOR THE PURPOSE OF FINANCING A PORTION OF THE COST OF CERTAIN CAPITAL IMPROVEMENTS BENEFITTING THE CITY'S ELECTRIC SYSTEM; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL TRUST INDENTURE PURSUANT TO WHICH THE SERIES 2025 BONDS WILL BE ISSUED AND SECURED; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT PURSUANT TO WHICH THE SERIES 2025 BONDS WILL BE OFFERED; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE SERIES 2025 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Conway, Arkansas (the "City"), a city of the first class, presently owns an electric generation and distribution system (the "Electric System") serving the residents of the City, which Electric System is operated and maintained by Conway Corporation, a nonprofit corporation organized and existing under the laws of the State of Arkansas (the "Corporation"), pursuant to a lease from the City and an exclusive franchise to operate the Electric System granted to the Corporation by the City; and

WHEREAS, the City is authorized under the provisions of Amendment 65 to the Constitution of the State of Arkansas and Arkansas Code Annotated §§14-164-401 *et seq.*, §§14-202-101 *et seq.* and §§14-203-101 *et seq.* (collectively, the "Authorizing Legislation") to issue and sell its electric revenue bonds for the purpose of financing and refinancing the cost of improvements to the Electric System; and

WHEREAS, in order to secure funds necessary (i) to pay a portion of the City's share of the costs of acquiring, constructing and equipping an approximately 1,500 MW combined-cycle gas turbine power plant on the site of the Independence Steam Electric Station in Independence County, Arkansas (the "Project"), (ii) to purchase a policy of municipal bond insurance, if deemed economically advantageous, (iii) to fund a debt service reserve or to purchase a surety bond or a policy of municipal bond debt service reserve insurance, if deemed economically advantageous, and (iv) to pay printing, legal, underwriting and other expenses incidental to the issuance of electric revenue bonds for such purposes, the City has now determined to issue its Electric Revenue Improvement Bonds, Tax-Exempt Series 2025, in an aggregate principal amount of not to exceed \$48,600,000 (the "Series 2025 Bonds"); and

WHEREAS, the City has determined to issue and secure the Series 2025 Bonds pursuant to that certain First Supplemental Trust Indenture to be dated as of the date of issuance of the Series 2025 Bonds (the "First Supplemental Trust Indenture"), by and among the City, the Corporation

and The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”), a form of which has been presented to and is before this meeting; and

WHEREAS, the City proposes to enter into a Bond Purchase Agreement (the “Bond Purchase Agreement”) in substantially the form presented to and before this meeting, with Crews & Associates, Inc., Little Rock, Arkansas, and Stephens Inc., Little Rock (the “Underwriters”), providing for the sale of the Series 2025 Bonds; and

WHEREAS, an open public hearing on the questions of the issuance of the Series 2025 Bonds and the financing of the Project has been held before the City Council and Mayor of the City on November 25, 2025, following publication of notice of such public hearing in the *Log Cabin Democrat* on November 12, 2025.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Conway, Arkansas that:

Section 1. The City Council hereby finds and declares that the acquisition, construction and equipping of the Project is in the best interests of the City and the customers of the Electric System.

Section 2. (a) Under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment 65 to the Constitution of Arkansas and the Authorizing Legislation, there is hereby authorized the issuance of bonds of the City to be designated as “Electric Revenue Improvement Bonds, Tax-Exempt Series 2025” (the “Series 2025 Bonds”). The Series 2025 Bonds shall be issued in the original aggregate principal amount of not to exceed Forty-Eight Million Six Hundred Thousand Dollars (\$48,600,000), and shall mature not later than December 1, 2056, in the principal amounts and bearing interest at the rates to be specified in the Bond Purchase Agreement. In no event shall the true interest cost relating to the Series 2025 Bonds exceed 5.25% per annum. The proceeds of the Series 2025 Bonds will be utilized (i) to acquire, construct and equip the Project, (ii) to purchase a policy of municipal bond insurance, if deemed economically advantageous, (iii) to fund a debt service reserve or purchase a surety bond or a policy of municipal bond debt service reserve insurance for reserve purposes, if deemed economically advantageous, and (iv) to pay printing, underwriting, legal and other expenses incidental to the issuance of the Series 2025 Bonds.

(b) The payment of the principal of and interest on the Series 2025 Bonds will be secured by a pledge of the revenues of the Electric System (the “Revenues”) as provided in the certain Trust Indenture dated as of March 31, 2022, as supplemented and amended by a First Supplemental Trust Indenture to be dated as of the date of delivery of the Series 2025 Bonds (as supplemented and amended, the “Indenture”), each by and among the City, the Corporation and the Trustee. The Series 2025 Bonds shall be issued in the forms and denominations, shall be dated, shall be numbered, shall mature, shall be subject to redemption prior to maturity, and may contain such other terms, covenants and conditions, all as set forth in the Indenture. Such pledge of Revenues shall be made (i) on a parity basis with the existing pledge of Revenues securing the City’s Electric Revenue Improvement Bonds, Tax-Exempt Series 2022A, and the City’s Electric Revenue Refunding Bonds, Taxable Series 2022B, and (ii) on a prior and senior basis to the existing pledge

of Revenues securing the City's Subordinate Electric Revenue Improvement Bonds, Tax-Exempt Series 2025.

(c) The Mayor is hereby authorized and directed to execute and deliver the Series 2025 Bonds in substantially the form thereof contained in the First Supplemental Trust Indenture submitted to this meeting, and the City Clerk is hereby authorized and directed to execute and deliver the Series 2025 Bonds and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Series 2025 Bonds to be accepted and authenticated by the Trustee. The Mayor is hereby authorized to confer with the Trustee, the Underwriters, and Kutak Rock LLP, Little Rock, Arkansas ("Bond Counsel"), in order to complete the Series 2025 Bonds in substantially the form contained in the First Supplemental Trust Indenture submitted to this meeting, with such changes as shall be approved by such persons executing the Series 2025 Bonds, their execution to constitute conclusive evidence of such approval.

Section 3. To prescribe the terms and conditions upon which the Series 2025 Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge the First Supplemental Trust Indenture, by and among the City, the Corporation and the Trustee, and the City Clerk is hereby authorized and directed to execute and acknowledge the First Supplemental Trust Indenture and to affix the seal of the City thereto, and the Mayor and the City Clerk are hereby authorized and directed to cause the First Supplemental Trust Indenture to be accepted, executed and acknowledged by the Corporation and the Trustee. The First Supplemental Trust Indenture is hereby approved in substantially the form submitted to this meeting, including, without limitation, the provisions thereof pertaining to the pledge of the Revenues to the Series 2025 Bonds and the terms of the Series 2025 Bonds. The Mayor is hereby authorized to confer with the Corporation, the Trustee, the Underwriters and Bond Counsel in order to complete the First Supplemental Trust Indenture in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the First Supplemental Trust Indenture, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the First Supplemental Trust Indenture in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 4. There is hereby authorized and approved a Preliminary Official Statement of the City, including the cover page and appendices attached thereto, relating to the Series 2025 Bonds. The Preliminary Official Statement is hereby "deemed final" within the meaning of U.S. Securities and Exchange Commission Rule 15c2-12. The distribution and use of the Preliminary Official Statement in connection with the offer and sale of the Series 2025 Bonds is hereby approved. The Preliminary Official Statement, as amended to conform to the terms of the Bond Purchase Agreement, including Exhibit A thereto, and with such other changes and amendments as are mutually agreed to by the City, the Corporation and the Underwriters, is herein referred to as the "Official Statement," and the Mayor is hereby authorized to execute the Official Statement for and on behalf of the City. The Official Statement is hereby approved in substantially the form of the Preliminary Official Statement submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Trustee, the Underwriters and Bond Counsel in

order to complete the Official Statement in substantially the form of the Preliminary Official Statement submitted to this meeting with such changes as shall be approved by such persons, the Mayor's execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Preliminary Official Statement is on file with the City Clerk and is available for inspection by any interested person.)

Section 5. In order to prescribe the terms and conditions upon which the Series 2025 Bonds are to be sold to the Underwriters, the Mayor is hereby authorized and directed to execute, at the request of the Corporation, a Bond Purchase Agreement on behalf of the City, to be dated as of the date of its execution (the "Bond Purchase Agreement"), by and between the City and the Underwriters, and the Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Underwriters and Bond Counsel in order to complete the Bond Purchase Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Bond Purchase Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Bond Purchase Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 6. In order to provide for continuing disclosure of certain financial and operating information with respect to the Electric System in compliance with the provisions of Rule 15c2-12 of the U.S. Securities and Exchange Commission, the Mayor is hereby authorized and directed to execute a Continuing Disclosure Agreement to be dated as of the date of its execution (the "Continuing Disclosure Agreement"), by and among the City, the Corporation and The Bank of New York Mellon Trust Company, N.A., as dissemination agent (the "Dissemination Agent"), and the Mayor is hereby authorized and directed to cause the Continuing Disclosure Agreement to be executed by the Corporation and the Dissemination Agent. The Continuing Disclosure Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Dissemination Agent, the Underwriters and Bond Counsel in order to complete the Continuing Disclosure Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Continuing Disclosure Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Continuing Disclosure Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 7. (a) In order to secure lower interest rates on the Series 2025 Bonds, the Underwriters have proposed that the City consider the purchase of a policy of municipal bond insurance with a portion of the proceeds of the Series 2025 Bonds, which policy would guarantee the payment of the principal of and interest on the Series 2025 Bonds when due. Upon a determination by the Mayor that such a purchase would be economically advantageous, the Mayor is hereby authorized to execute an insurance commitment for the delivery of a municipal bond

insurance policy with respect to the Series 2025 Bonds and to do any and all things necessary to accomplish the delivery of such municipal bond insurance policy.

(b) In order to ensure that the maximum amount of proceeds of the Series 2025 Bonds be available to pay costs of the Project described above, the Underwriters have proposed that the City consider the purchase of a surety bond or a municipal bond debt service reserve insurance policy with a portion of the proceeds of the Series 2025 Bonds, which surety bond or policy would satisfy the funding requirements of the debt service reserve described in the Trust Indenture. Upon a determination by the Mayor that such a purchase would be economically advantageous, the Mayor is hereby authorized to execute a commitment for the delivery of such surety bond or policy for deposit in the debt service reserve fund for the Series 2025 Bonds and to do any and all things necessary to accomplish the delivery of such surety bond or policy.

Section 8. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the issuance, sale, execution and delivery of the Series 2025 Bonds and to effect the execution and delivery of the First Supplemental Trust Indenture, the Continuing Disclosure Agreement, the Bond Purchase Agreement, the Official Statement and a Tax Compliance Agreement relating to the tax exemption of interest on the Series 2025 Bonds, and to perform all of the obligations of the City under and pursuant thereto. The Mayor and the City Clerk are further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 9. The rates for services of the Electric System previously enacted pursuant to Ordinance No. O-23-45 and Ordinance No. O-19-66 are hereby ratified and confirmed.

Section 10. Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed to act as Bond Counsel on behalf of the City in connection with the issuance and sale of the Series 2025 Bonds.

Section 11. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be illegal or invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance.

Section 12. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 13. It is hereby found and determined that there is an urgent need to finance certain improvements and betterments to the Electric System in order to alleviate hardships to the residents of the City, and in order to do so on the most favorable terms, it is necessary to enter into the Bond Purchase Agreement as soon as possible. Therefore, an emergency is hereby declared to exist and this Ordinance, being necessary for the immediate preservation of the public health, safety and welfare, shall be in force and take effect immediately upon and after its passage.

ADOPTED AND APPROVED THIS 25th DAY OF NOVEMBER, 2025.

APPROVED:

ATTEST:

Mayor

City Clerk

(S E A L)

SUMMARY OF CHANGES

ORDINANCE NO. O-06-139, OLD CONWAY DESIGN OVERLAY DISTRICT AMENDMENT

*Purpose: To provide a process by which development in the OCDOD may be reviewed administratively by staff in circumstances where the proposal conforms with district standards. **All new primary structures will continue to be reviewed by the Historic District Commission.***

Section 2:

- Distinguish between the “discretionary” Historic District Commission (HDC) and the “administrative” Planning and Development Staff (P&D)

Section 3.A. Considerations

- Removed nebulous language
- Changed language from “Commission” to “Reviewing Authority”
- Clarified language which triggers Historic District Review (HDR)

Section 3.B. Submission Requirements

- Added language regarding additional triggers for Certificate of Appropriateness (COA) issuance
 - o Significant tree removal (was already a requirement, but language was found later in the document and not within the **Submission Requirements** portion)
 - o Fence installation
 - Previously, a fence did not require a COA, however the district has fence standards. Without the need for a COA, the standards have no teeth which leads to uncertainty and inconsistency
- Changed language from “Commission” to “Administrative Official (AO)/Planning Department (P&D)” where applicable
- Changed Minor Construction of outbuildings 160sf or less requiring administrative review to Minor Construction of outbuildings 160sf or less not visible from the public realm not requiring any planning review (administrative or discretionary).

Section 3.C. Administrative Official’s Powers and Duties

- Added administrative powers and duties
 - o AO may review, approve and issue COA for any development that is fully compliant with district regulations, excepting construction of primary structures
- Changed Commission powers and duties to be for development which is not in conformance with district regulations while providing metrics by which the Commission could still make a finding of approval

- Added sections for approving minor adjustments to already approved projects to alleviate the need to be heard again at HDC

Section 4.A. Meetings of the Commission

- No change

Section 4.B. Meetings of the Commission

- Removed

Section 4.C. Meetings of the Commission

- Changed language and authority from Commission to P&D where applicable
- Changed public hearing sign fee language to be adaptive rather than a specific number
- Removed “Disapproval” language as it is addressed in the “Appeal” section

Section 5. Enforcement

- Explain the process by which an AO decides the type of review necessary for a project

Section 6. Appeals

- Added appeal process for projects denied by an AO
 - May be appealed to the HDC
- Changed appeal process for projects denied by HDC to reflect HDC’s current By-laws

Section 7. Standards

- Removed language prohibiting request for sidewalk in-lieu as it conflicts with other sections
- Included AO oversight

Section 7.A. Suburban Zone Standards

- Setbacks now meet fire code
- Outbuilding setbacks better align with zoning code when a rear positioning is infeasible
- ADU section added to align with state law and zoning code
- Changed “should” to “shall” to better assist AO to review projects with conformance with regulations or defer review to HDC
- Specified required driveway widths
- Changed sidewalk exception
 - Current: “Sidewalks are not required with the construction of an addition or outbuilding with a footprint area less than 30% of the primary structure’s footprint”
 - Proposed: “...less than 50% of the primary structure’s footprint”
- Added that sidewalks must conform with Department of Transportation (DOT) standards rather than being 5’ wide to allow flexibility and consistency in sidewalk construction

- Removed maximum residential in lieu fee for sidewalk construction
- Clarified the side yard area for a fence
- Added that fences could be composed of a “wood-like” material
- Restated that fencing requires a COA
- Removed unenforceable language regarding landscaping
- Clarified that removal diseased or dangerous trees requires AO review
- Added that removal of healthy, significant trees requires HDC review
- Provided a metric by which to determine if something meets neighborhood character in terms of building composition
 - o “Based upon the average of at least (5) building on the same block”
- Added that siding which is a replacement of an existing non-conforming type is allowed

Section 7.B. Transition Zone Standards

- Added references to AO review
- Added sidewalk exception and in lieu process to be consistent with Suburban Zone standards and Zoning Code commercial development standards
- Added tree removal and maintenance requirements to be consistent with Suburban Zone standards

Section 7.C. Urban Zone Standards

- Removed redundant language
- Added Planning Commission review CUP reference to be in conformance with Zoning Code
- Added reference to Sanitation Department standards regarding dumpsters
- Added sidewalk exception and in lieu process to be consistent with Suburban Zone standards and Zoning Code commercial development standards

Section 8. Definitions

- Added “Administrative Review” definition
- Added “Discretionary Review” definition



City of Conway, Arkansas

Ordinance No. O-25-_____

**AN ORDINANCE CREATING AN OLD CONWAY DESIGN OVERLAY DISTRICT:
ORDINANCE NO. O-06-139**

Amended: O-07-46; O-09-86; O-11-27, O-15-28, O-15-124, O-15-137, O-25-

Whereas, the City of Conway wishes to preserve the historic character of the older residential areas in Conway by requiring new construction to conform to proper design standards, and;

Whereas, the City of Conway wishes to preserve the historic character of the older commercial areas in Conway by requiring new construction in the central business district to conform to proper design standards;

Whereas, the Historic Preservation Plan for the City of Conway recommended utilizing administrative reviews more frequently when possible;

Whereas, the City Council adopted the Historic Preservation Plan as an amendment to the Comprehensive Plan via Resolution No. R-21-22;

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

Section 1: Ordinance Section 1: Boundaries

The Old Conway Design Overlay District is hereby approved and established by reference for the purpose of enhancing and protecting the aesthetics, sustainability, and the historic nature of Old Conway. All uses inside an area described by the following boundaries unless specifically exempted shall be subject to the regulations contained in this ordinance:

Area: Robins Street west from Griffith Street to Donaghey Avenue, thence north along Donaghey Avenue to Bruce Street, thence west along Bruce Street to Western Avenue, thence northward along Western Avenue to College Avenue, thence east along College Avenue to Augusta Avenue, thence north along Augusta Avenue to Robinson Avenue, thence west along Robinson Avenue to the southwest corner of Lot 1 Taylor Replat, thence north along the west line of Lot 1 Taylor Replat to Western Avenue, thence continuing north along Western Avenue to Poplar Street, thence east along Poplar Street to Donaghey Avenue, thence north along Donaghey Avenue to Hairston Avenue, thence east along Hairston Avenue to Clifton Street, thence north along Clifton Street to Tyler Street, thence east along Tyler Street to Washington Avenue, thence north along Washington Avenue to Fleming Street, thence east along Fleming Street to Harkrider Street, thence south along Harkrider Street to Winfield Street, thence west along Winfield Street to Washington Avenue, thence southward along Washington Avenue to Independence Street, thence eastward along Independence Street to Spruce Street, thence continuing eastward along Spruce Street to the intersection of Harkrider Street and Siebenmorgen Road, thence east along Siebenmorgen Road to Interstate 40, thence southeasterly along Interstate 40 to Gum Street, thence south along Gum Street to Merriman Street, thence west along Merriman Street to Ingram Street, thence south along Ingram Street to 6th Street, thence west along 6th Street to Harkrider Street, thence southward along Harkrider Street to Bruce Street, thence west along Bruce Street to Griffith Street, then southward along Griffith Street to Robins Street and the point of beginning; and Lots 10 through 14 of Block 1 of the Browns Addition

Less and except for the Asa P. Robinson Historic District and any future officially recognized Certified Local Government Historic District.

Less and except the Markham Street Neighborhood, described as the area West of Harkrider Street; North of Van Ronkle Street; East of the Union Pacific Railroad right of way; and South of Spruce Street; and South of Markham Street/Siebenmorgen roundabout right of way. (Ordinance O-15-28)

Within this above described boundary are three distinct zones; the Urban Zone, Transition Zone, and Suburban Zone as mapped on Exhibit A of this ordinance.

Section 2: The Conway Historic District Commission shall serve as the discretionary reviewing body of the Old Conway Design Overlay District with Conway Planning and Development Staff serving as the administrative body.

Section 3. Application for Certificates from the Commission and Administrative Official

- A. **Considerations.** In passing upon cases involving new construction, alterations, renovations or additions to existing structures, the reviewing authority shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the reviewing authority may in appropriate cases impose dimensional and set back requirements in addition to those required by applicable ordinance or by-law.
- B. **Submission Requirements.** No new building or structure or exterior renovation requiring a building permit or remodeling permit within the Old Conway Design Overlay District shall be constructed or altered in any way that affects exterior architectural features unless a Certificate of Appropriateness has been issued with respect to such construction or exterior renovation. Additionally, significant tree removal and fence installation shall require issuance of a Certificate of Appropriateness.

Any person who desires to obtain a Certificate of Appropriateness shall file with the Planning Department an application in such form as the Administrative Official may reasonably determine, together with such plans, elevations, specifications, materials and other information, as may be reasonably deemed necessary by the Administrative Official to enable it to make a determination on the application.

The applicant must take all necessary action to ensure that the entirety of the property under review has the appropriate land-use designation(s) as prescribed by the City of Conway Zoning Ordinance. (e.g. Zoning Classification and/or Conditional Use Permit).

The Permits and Inspections Department shall issue no building permit for new construction of a building or structure or for alteration of an exterior architectural feature within the Old Conway Design Overlay District until the Commission or Planning and Development Department has issued the Certificate of Appropriateness required by this section.

Minor Construction Exemption: Outbuildings 160 square feet or less that are not visible from the public realm are not subject to Historic Design Review in the Old Conway Design Overlay District.

- C. **Administrative Official's Powers and Duties.** The Administrative Official shall have the following powers, functions, and duties related to issuance of Certificates:
1. The Administrative Official shall have fourteen (14) days from receipt of an application to review and determine whether that construction or alteration meets the standards set forth in this ordinance. All additions, accessory structures, redevelopment, restoration, and modifications in compliance with the Old Conway Overlay District Standards may be approved administratively by the Administrative Official.
 2. The Administrative Official shall review the zoning designation for the property in question to ensure that the zoning is appropriate for the land use in the project area.
 3. If the Administrative Official determines that an application meets district standards, the Administrative Official shall issue a Certificate of Appropriateness.
 4. Each Certificate issued by the Administrative Official shall be dated and signed by the Planning Director. Each Certificate issued by the Planning Director shall also be accompanied by a document substantiating in sufficient detail, the basis of the determination such as conditions of approval, site plan, and elevations. Certificates are valid for two years from the date of issuance and must be revalidated by the Administrative Official if substantial work has not been completed by the end of this period.
 5. Design modifications requested after issuance of a Certificate of Appropriateness shall be reviewed by the Administrative Official to determine if the construction or alteration meets the standards set forth in this ordinance. If the Administrative Official determines that the modification meets district standards, the Administrative Official shall issue an Amended Certificate of Appropriateness. If the Administrative Official determines that the design modifications do not meet the standards set forth in this ordinance, the applicant may file an application with the Historic District Commission for discretionary review according to Section 3.D., *Commission Powers and Duties*.

6. These approvals must be reported to the Conway Historic District Commission at the next regularly scheduled Conway Historic District Commission meeting.
 7. The Planning Department shall maintain a copy or notice of all Certificates, determinations of disapproval and substantiating documents issued by it.
- D. **Commission Powers and Duties.** The Commission shall have the following powers, functions and duties related to issuance of Certificates:
1. New construction of a primary structure requires an application with the Historic District Commission for discretionary review.
 2. If the Administrative Official determines that the construction or alteration for which an application for a Certificate of Appropriateness has been filed does not meet the standards set forth in this ordinance, the applicant may file an application with the Historic District Commission for discretionary review.
 3. Upon review of the application at a regularly scheduled, public meeting, the Commission shall decide whether the construction or alteration will be appropriate for or compatible with the preservation or protection of the Old Conway Design Overlay District. It shall make a determination based upon:
 - Its compatibility with the existing neighborhood and area of influence
 - The architectural or historic value or significance of the surrounding area
 - The general compatibility of the proposed construction
 - The Old Conway Design Overlay Pattern Book
 4. If the Commission makes the determination in the affirmative, the Commission will authorize a Certificate of Appropriateness to be issued to the applicant.
 5. In the case of a disapproval of an application for a Certificate of Appropriateness, the Commission shall record the reasons for such determination and shall notify the applicant of these reasons during the public meeting and made available in the meeting minutes. The Commission may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, and similar features. The Commission shall take action on the item, either approving or denying the project. Prior to the issuance of any disapproval, and during the public meeting, the Commission may explain and discuss with the applicant and the administrative official the proposed action, accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. The Commission shall, as feasible, identify sources of additional information, technical assistance, and financial incentives, which may eliminate the area of concern. The item may be tabled to the next regularly scheduled meeting, allowing the applicant to make any adjustments which would make the application acceptable to the Commission in accordance with Commission bylaws. Minor adjustments which would make the application acceptable to the Commission may, if deemed appropriate, be reviewed and approved by the Administrative Official without necessitating further review by the Commission.
 6. Each Certificate issued by the Commission shall be dated and signed by its Chairman, Vice-Chairman, Secretary, Planning Director or such other person designated by the Commission to sign such Certificates on its behalf. Each Certificate issued by the Commission shall also be accompanied by a document substantiating in sufficient detail, the basis of the determination such as conditions of approval, site plan, and elevations. Certificates are valid for two years from the date of issuance and must be revalidated by the Commission if substantial work has not been completed by the end of this period.
 7. Design modifications requested after issuance of a Certificate of Appropriateness shall be reviewed by the Administrative Official to determine if the construction or alteration meets the standards set forth in this ordinance. If the Administrative Official determines that the modification meets district standards, the Administrative Official shall issue an Amended Certificate of Appropriateness. If the Administrative Official determines that the design modifications do not meet the standards set forth in this ordinance, the applicant may file an application with the Historic District Commission for discretionary review. If the Commission makes the determination that the construction is appropriate for or compatible with the preservation of the Old Conway Design Overlay District, the Commission shall cause an Amended Certificate of Appropriateness to be issued to the applicant.

8. The Commission shall file with the Planning Department, and with the City Permits and Inspections Department, a copy or notice of all Certificates, determinations of disapproval, and substantiating documents issued by it.

Section 4. Meetings of the Commission

- A. **Voting:** The Commission shall hold meetings at the call of the Chairman and at the request of two members of the Commission, and in such other manner as the Commission shall determine in its rules. A majority of the members of a Commission shall constitute a quorum. The concurring vote of a majority of the members of the Commission shall be necessary to issue a Certificate of Appropriateness.
- B. **Hearing an Application:** The Commission shall meet as necessary to review an application(s). Upon the setting of a date, time, and place for the meeting, the applicant shall be notified of said date and time. The applicant shall then follow the procedure outlined below:
 1. The Planning Department shall post a public notice on the Old Conway Design Overlay and/or HDC website(s) announcing the public hearing no less than fifteen (15) days prior to the Historic District Commission meeting.
 2. The applicant will be required to notify, by prepaid first class mail and/or petition, all property owners within two hundred (200) feet as listed on the most recent real estate tax list of the Faulkner County Assessor's Office. The applicant shall mail said letter and/or gather signatures no less than fifteen days prior to the Historic District Commission meeting. In this letter and/or petition, the applicant shall state the date and time of the meeting. A copy of the first class letter and/or petitions shall be submitted to the Planning Department staff not less than ten (10) days prior to the Historic District Commission meeting along with a simple map showing the location of the property in question and the owners within 200 feet of the property.
 3. In addition, the applicant shall post one or more "Design Review" signs on the premise of said property. Such sign(s) shall be clearly visible, unobstructed to the passing general public, and posted on or near the existing front property line not later than fifteen (15) days prior to the public hearing. The applicant shall obtain the disposable sign from the Conway Planning Department and shall pay a fee appropriate for full reimbursement to the City for the cost of the sign. The fee is not returnable.
 4. The Conway Historic District Commission shall hold one (1) or more public hearings thereon.

Projects reviewed administratively are exempt from these requirements.

Section 5. Enforcement

Any work started without a Certificate of Appropriateness or work found not to be in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Conway Historic District Commission and/or City staff, the building inspector shall issue a stop work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Stop work orders and penalties for non-compliance will be enforced according to other applicable laws. A decision shall be made by the Administrative Official regarding whether a Historic Design Review application is warranted and whether it shall require an administrative review or a discretionary public hearing. This decision shall be made within five (5) business days from issuance of the stop work order. Any person who violates any of the provisions of this Ordinance may be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars (\$10.00) to five hundred dollars (\$500) per day, in accordance with state statute. Each day that a violation continues to exist shall constitute a separate offense.

Section 6. Appeals

The applicant may appeal the denial of a Certificate of Appropriateness by the Administrative Official within thirty (30) days of written or electronic notice being issued by the Administrative Official. Application shall be made in the manner provided in Section 4., and shall be subject to all applicable public notices, fees, and public hearings as the original submission.

Appeal shall be made to the Historic District Commission and shall be heard by the Historic District Commission within sixty (60) days of the appeal application. The Administrative Official shall prepare a written report detailing why a denial decision was made. The Historic District Commission shall not reverse a decision of denial by the Administrative Official unless a finding of approval can be made that the construction or alteration will be appropriate for or compatible with the preservation or protection of the Old Conway Design Overlay District.

The applicant may appeal the denial of a Certificate of Appropriateness by the Historic District Commission to the Administrative Official, in writing, within thirty (30) days of the decision. Said appeal request shall be reviewed to determine if any new or previously undisclosed considerations exist which were not previously reviewed or considered by the Commission during the public meeting. Financial hardship shall not be considered a reason for appeal. If new or previously undisclosed considerations exist, the applicant shall submit a new application for consideration at the next scheduled HDC meeting. Appeals shall be subject to all applicable public notices, fees, and public hearings as the original submission. The Historic District Commission shall be the authority in determining if an appeal is approved or denied. Applicants shall exhaust this appeal method after one request for an appeal. Any applicant still aggrieved by the determination of the HDC may appeal such disapproval to the City Council in writing, stating why he/she considers the Conway Historic District Commission's findings and decisions to be in error. Such appeal shall be filed with the Planning Department within thirty (30) days of the date the Conway Historic District Commission disapproves the design review. If such a request is not appealed, the decision of the Conway Historic District Commission shall be final and no further action on the request shall take place.

Section 7: Standards

Proposed new construction, additions, and outbuildings (accessory buildings) 160 square feet or more (except where otherwise exempt); requiring a building permit within the Old Conway Design Overlay District shall respect and relate to the special character of the district. In making its determination, the Conway Historic District Commission and/or Administrative Official shall consider without being limited to the following criteria:

1. New construction shall be judged on its compatibility with the existing neighborhood and area of influence
2. The architectural or historic value or significance of the surrounding area
3. The general compatibility of the proposed construction
4. Any other factor, including visual and aesthetic, considered pertinent
5. The exteriors of public facades (street facing) shall be more carefully reviewed than other facades
6. Old Conway Design Overlay Pattern Book

Additions to existing buildings shall be judged in the same manner as new construction and shall complement the design of the original building.

All specific numbers listed in Section 6 Standards such as setbacks, lot coverage, heights, footprints, etc. shall be used as minimal guidelines to produce desired development in the Old Conway area. However, due to the unique nature of Old Conway and its traditional pattern of development, the Conway Historic District Commission may grant exceptions to these numbers on a case by case basis without considering or setting precedent in order to allow development that is appropriate to unique circumstances.

When evaluating the general compatibility of the exterior of new construction or additions to any building in the Old Conway Design Overlay District, the HDC and/or Administrative Official shall consider, but not be limited to, the following factors within the building's area of influence:

1. Site
 - a. Setbacks
 - b. Spacing
 - c. Lot coverage
 - d. Orientation
 - e. Garages
 - f. Alleys
 - g. Parking
 - h. Driveways
 - i. Sidewalks
 - j. Fences and walls
 - k. Landscaping and tree preservation
 - l. Lot sizes
 - m. Street right of way
2. Massing
 - a. Scale (proportion)
 - b. Height and width
 - c. Directional expression

- d. Footprint
- e. Complexity of form
- f. Façade, wall area, and rhythm
- 3. Structural Design Elements
 - a. Style
 - b. Entries, porches, and porticos
 - c. Doors and windows
 - d. Awnings
 - e. Lighting
- 4. Materials and Detailing
 - a. Architectural details – Eaves, brackets, dentils, cornices, molding, columns, trim work, pilasters, balustrades, decorative or character defining features
 - b. Roof
 - c. Siding and bricks
 - e. Decks
 - f. Skylights
 - g. Mechanical system screening
 - h. Shutters
- 5. Additions
 - a. Ancillary buildings
 - b. Additions to primary structures
 - c. Outbuildings

A. Suburban Zone Standards

Site:

Building Setbacks:

Setback - The area of a lot measured from the lot line to a building façade or elevation. This area must be maintained clear of permanent structures with the exception of: fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces, and decks (that align with the first story level) which are permitted to encroach on the setback.

Primary Building Setbacks

Front: The new construction shall be located between 85% and 115% of the average front setback distance established by the existing adjacent historic structures. If all buildings along a block have similar setbacks, that setback line shall be respected.

Secondary Front (adjacent to street): 8 feet minimum

Side: 6 feet minimum in all residential zones

Rear: 5 feet or 15 feet from centerline of alleyway in residential zones

Outbuilding Setbacks

Front: Rear of Principal Building or no closer than sixty (60) feet from the front property line.

Secondary Front: 8 feet min.

Side: 5 feet min.

Rear: 5 feet min.

Spacing. Spatial relationships among existing buildings on a block and neighborhood suggest an appropriate width and spacing for new construction in the area. The historic range of building widths is an important guide, which will help determine an appropriate width for infill structures and will also suggest a module for dividing the facade and massing of an exceptionally large new building into a series of smaller visual units. Spacing should be within 15% of the average distance between existing structures on the block to respect the rhythm of the street.

Lot Coverage. Coverage: 60% impermeable surfaces maximum in all residential zones, 100% impermeable surfaces maximum in C-1.

Orientation. Orientation refers to the direction in which the front of a building faces. New construction shall orient its façade in the same direction as adjacent historic buildings. In the case of a corner lot, dual orientation may be permitted.

Garages / Outbuildings. Detached garages / outbuildings shall be located at the rear of the primary structure or no closer than sixty (60) feet from the front property line. If lot width or depth prohibits a rear location, the garage may be attached at the side of the structure. This attached garage façade should not extend in front of the transverse centerline of the house. In the case of a side location, the garage façade shall not dominate the façade of the structure. The footprint of a detached garage / outbuilding shall be no more than 30% of the footprint of the primary structure, except in instances of an Accessory Dwelling Unit (ADU) which must be less than 75% of the size of the principal structure or 1,000 square feet in gross floor area, whichever is less. An ADU must also meet the minimum gross floor area as required by all applicable building codes. An ADU must meet the standards set forth in the City of Conway Zoning Code under "Accessory Dwelling Units".

Alleys. In the Old Conway Design Overlay District, a large number of alley rights of way were originally platted. Although very few of these alleys were ever constructed, many of the rights of way are still open. The use of these alleyways is encouraged. These alleys could provide another access point for residences and allow parking at the rear of residential lots.

Parking. Parking is not permitted in the front yard of houses. Parking is allowed in driveways. No more than fifty (50) percent of the front yard may be paved. Parking areas shall be concrete, pavers, or permeable parking surfaces such as grass pavers. Asphalt is not appropriate for single or two family residences. Asphalt with curb and gutter is appropriate for multi-family and commercial parking. The use of permeable materials is encouraged. Parking areas shall be screened with landscaping if the area is prominently visible from the public right of way. Two (2) parking spaces per dwelling unit are required. On-street parking may be counted towards the required parking number, except in the case of streets classified as collector or above on the Conway Master Street Plan as on-street parking is not allowed.

Driveways. Driveways shall be concrete, pavers, or permeable parking surfaces such as grass pavers. Asphalt is appropriate for multi-family and commercial drives. Historic driveways such as concrete strips with a grass median are encouraged. The use of permeable materials is encouraged. Semi-circular driveways with two entry points on the lot are discouraged. Shared driveways are encouraged to lessen the amount of non permeable surface. Driveway widths shall be between 10 and 15 feet in width.

Sidewalks. A sidewalk shall be constructed or repaired as part of new construction in the Old Conway Design Overlay District.

Sidewalk Exception:

Sidewalks are not required with the construction of an addition or outbuilding with a footprint area less than 50% of the primary structure's footprint.

Sidewalks are historically correct and add an essential pedestrian element to the area. Sidewalks shall be constructed/repared for all street frontages and shall be built in accordance with the Conway Department of Transportation Standards. Sidewalks shall pass through driveways if APA requirements cannot be met.

If sidewalks are not prevalent in the area or not technically feasible due to utilities, easements, rights of way, etc., an in-lieu fee of \$3 per square foot may be paid into the general sidewalk fund to be used within the boundaries of the Old Conway area. The Conway Historic District Commission will determine if a request for a sidewalk exception is reasonable.

Fences and Walls. Fences primarily serve two purposes in the Old Conway Design Overlay District; definition of private / public space in front yards and privacy screening in rear or side yards. Fences shall be no more than 3.5 feet tall in front yards with pickets no more than 4 inches wide and 3 inches apart. Privacy fences shall be no more than 6 feet tall and are only allowed in rear yards or side yards as deemed appropriate. Privacy fences should be setback from the front façade at least one-half the distance between the front and rear walls of the structure with it transitioning down to 3.5 feet tall as it transitions to the front and/or side yard. Fences may be constructed of wood (or wood-like material), iron (or aluminum mimicking iron), brick, or stone. The use of brick or stone should be limited to corner post or limited detailing. The upper two feet of privacy fencing should have 50% opacity, provided by a lattice or grid pattern of wood or iron. Iron fences are typically found on substantially-sized structures other than bungalows or cottages. Chain link fence and bare concrete block fences are prohibited. Fences of railroad ties or landscape timbers are prohibited. Fences of wood-like composite materials may be used upon approval.

New construction of low brick, stone, and finished concrete walls, typically 12-18 inches in height are allowed. The capping of these walls with a shaped stone or brick cap is encouraged. Finished concrete walls are allowed. Bare concrete retaining walls are prohibited.

Installation of fencing requires a Certificate of Appropriateness and is subject to the procedures outlined in Sections 3 & 4.

Landscaping and Tree Preservation. Landscaping is a critical part of the historic appearance of the Old Conway Design Overlay District. Identify and retain existing trees and plants that help define the character of the area. Install new landscaping that is compatible with the existing neighborhood and indigenous to the area. Protect significant existing trees (8" or greater in diameter breast height) and plants during construction. Preserve any large trees which line the streets of the residential areas. New trees reaching a mature height of 60 feet shall be planted at a distance of no more than 30 feet apart along the street right of way. No street tree shall be planted over or within 5 lateral feet of any underground water, sewer, electrical lines, or cable television (excluding telephone, and individual service lines.) No street tree shall be planted closer than 10 feet to a fire hydrant, utility pole or streetlight. No street tree shall be planted within 15 feet of a street intersection. A list of approved street tree species is available from the Planning Department. Understory trees shall be planted in cases of overhead power lines.

Removal of one or more diseased or damaged significant trees in the Old Conway Design Overlay District requires approval by the Administrative Official and issuance of a Certificate of Appropriateness. An application shall include the following information:

1. Site plan and/or photographs showing location of significant tree(s);
2. Proof that the tree is dead or so badly diseased or damaged that it cannot be salvaged (such as a letter from a landscape firm);
3. Any other reasons for removal;
4. Species and size of the tree that will be planted to replace it, as well as the location where it will be planted.
5. If a tree is removed, the stump must be removed or ground to the surrounding surface soil level.

The removal of a healthy, significant tree not in conjunction with development requires Historic District Commission review and issuance of a Certificate of Appropriateness and is subject to the procedures outlined in Section 4.

In instances where construction or other site work may affect significant trees on a given lot, all appropriate tree protection measures must be taken. The following specific protective measures shall be required for all development, or work requiring a permit, on properties with trees subject to regulation:

1. Protective fencing is required for protection of any tree to be preserved in place within fifteen (15') feet of any construction or construction material or construction equipment storage and is to be shown on the Tree Preservation Plan. All required protective fencing must be in place and approved by the Permits and Inspections department and/or Planning Department before a building permit will be issued. All fencing must remain in place during the entire construction period. All fencing shall be of a rigid material (i.e., chain-link, wood lathe, etc.) unless otherwise specified by the Planning Department. All fencing must be secured to metal posts driven into the ground and spaced no further than ten feet (10') apart. Fencing shall not be removed or relocated unless authorized in writing by the Planning Department. The approved Tree Preservation Plan shall be available on the building site before work commences and always during construction of the project. The general contractor shall be responsible for giving written notice of the Tree Preservation Plan and Tree Removal Permit to all contractors or subcontractors prior to their entering the Site.
2. Pumping of concrete for the foundation or other protective measures such as crown pruning and root pruning may be required for preservation of the existing trees. These measures must be indicated on the Tree Preservation Plan.
3. During construction all reasonable steps necessary to prevent the destruction or damaging of trees to be preserved in place shall be taken.
4. During construction, unless otherwise authorized by the Tree Preservation Plan, no excess soil, additional fill, equipment, liquids, or construction debris, shall be placed within the root zone of any tree that is required to be preserved in its present location.

5. No attachments, fences or wires, other than approved materials for bracing, guying or wrapping, shall be attached to any vegetation during the construction period.
6. All measures shall be taken to maintain the health of trees which are transported to the site.

Lot Sizes. Many lots in the Old Conway Design Overlay District were originally platted anywhere from 25 feet to 100 feet wide. Further subdivision over the years added to the small lot sizes. The Conway Zoning Ordinance's minimum lot width is 50 feet wide. This regulation is based on larger lot suburban standards developed around the 1950's. This ordinance shall allow the construction of single family residences on platted and subdivided lots as small as 25 feet in width. These lots must have been platted or subdivided by deed no later than December 31, 1979.

Street Rights of Way. Many of the platted streets in the Old Conway Design Overlay District were originally laid out with 40-60 foot rights of way. The Conway Subdivision and Zoning Ordinances require that all local streets have a minimum of 50 feet of street right of way. This regulation is based on larger lot suburban standards developed around the 1950's. This ordinance shall allow the construction of residences without the requirement of dedication of additional street right of way unless the street is classified as a collector or above on the Conway Master Street Plan. The smaller street rights of way of Old Conway are a desirable feature and should be preserved.

Massing: Overall bulk of a building

Scale. The size of new construction shall not be in conflict with the surrounding relationships of building size to lot size based upon the average of at least five (5) buildings on the same block. Further, design features of new construction shall reinforce a human scale through the size and proportion of doors, windows, details, etc.

Height. The eave or cornice lines of existing buildings on a particular street define a range of heights. New construction should remain within this range of heights in order to relate with the surrounding structures and to preserve and enhance the character of the area. Even though zoning regulations may permit greater heights, new buildings should be compatible in height to surrounding historic structures (typically not more than a 1 story differential based upon the average of at least five (5) houses on the same block). The first floor height of existing buildings is also an important factor in defining an appropriate scale for the new construction. First floor elevations should be consistent with surrounding historic structures.

The height of additions and outbuildings shall also relate to the primary structure.

Maximum Heights:

Principal Building:	3 stories maximum
Outbuilding:	2 stories maximum

Width. New construction proportions shall respect the average width of the majority of neighboring buildings in the area based upon the average of at least five (5) houses on the same block.

Directional Expression. This is a measurement of the height to width ratio of a structure's front elevation. New construction should respect the directional expression of the average of at least five (5) houses on the same block.

Footprint. The area of land area covered by a structure. This measurement should be in relation to the average of at least five (5) houses on the same block.

Complexity of Form. The level of detailing and breaks in the wall planes of a structure. New construction shall relate to the complexity of the average of at least five (5) houses on the same block.

Façade, Wall Area, and Rhythm. Façade and Openings (Proportion, Size, Detailing). New façades shall be compatible with surrounding historic buildings in proportion and relationships to wall area and openings. Windows and door openings should correspond to the rhythm and proportion that exist on neighboring structures. Generally, doors and windows are proportioned vertically. The total area of windows on a residential façade, visible from the public realm shall be in a range of 25-40% of the total surface area. In buildings with commercial uses on the first floor, the area of ground floor openings shall be in the range of 65-75%, to correspond with traditional storefront organization.

Structural Design Elements:

Style. Buildings in the Old Conway Design Overlay District reflect a variety of traditional architectural styles and forms. New design should respect its context, while expressing the contemporary nature of the building and its use. A contemporary architecture that reflects the traditional elements of the area is encouraged.

Entries, Porches, and Porticos. Entrances and porches are often the primary focal points of historic structures. Porches and porticos are encouraged in the Old Conway Design Overlay District. Porches must have minimum depth of 6 feet, preferably 8 feet. Roofs on porches should match those on the main or existing structure where possible. Steps leading up to porches may be of wood, brick, stone, or concrete, as appropriate to the material and architecture of the main structure. Railings on porch stairs should have handrails and pickets to match the railing of the porch. Entrances shall have special features such as transoms, sidelights, and decorative elements framing the entrances. Screened porches should be reserved for the rear of lots.

Doors and Windows. The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should relate to and be compatible with adjacent facades. (See Façade, wall area, and rhythm above.) Traditionally designed openings generally have a recessed jamb on masonry buildings and a surface mounted frame on frame buildings. New construction should follow these methods as opposed to designing openings that are flush with the wall. If small paned windows are used in a new construction project, they should have the appearance of true divided lights and should not have fake clip-in muntin bars.

Awnings. When new construction uses awnings, traditional awning designs, materials, and placement should be used. Plastic and vinyl are not traditional materials.

Lighting. Security lighting, such as flood lights shall be mounted on secondary and rear facades. Unshielded floodlights are not permitted. No light shall be of such intensity as to produce glare or direct illumination across the property line, nor shall any light be of such an intensity so as to create a nuisance or detract from the use and enjoyment of adjacent property. All light shall be directed downward and inward toward the property by choosing appropriate fixtures and properly aiming fixtures during installation. Fixtures shall be architecturally compatible with and designed to complement the principal structure and surroundings.

Materials and Detailing:

Architectural Details. Architectural details on a new residential structure should be compatible with existing elements, in style, material, size, and shape. These details include, but not limited to: eaves, brackets, dentils, cornices, molding, columns, trim work, pilasters, balustrades, decorative or character defining features.

Roof. Roofs on new construction in the Old Conway Design Overlay District should respect the character of roof types and pitches in the immediate area around the new construction. Metal roofing is generally prohibited, but the applicant will be allowed to prove the historic nature of a metal material. For new construction, the following parameters should be considered:

1. Style (gambrel, gable, hip, shed, flat, mansard);
2. Pitch (slope of roof);
3. Material (slate, wood shingles, asphalt or fiberglass shingles, rolled roofing, hot mopped asphalt, tile);
4. Details (dormers, gables, chimneys);
5. Gutters and downspouts.

Siding and Bricks. The selection of materials for a new dwelling should be compatible with and complement the surrounding structures in the Old Conway Design Overlay District. Brick, stone, and wood are the most appropriate materials for the cladding of new structures. Synthetic siding such as vinyl, aluminum, and synthetic stucco, (EIFS products) are not historic cladding materials and should not be used unless replacing a pre-existing condition or used on an accessory structure out of the public view. However, cement board materials such as Hardiboard may be substituted for wood siding.

Decks. Elevated wooden decks are not historic to the area and shall be located at the rear of the structure and screened from street view with fencing and / or plants and shrubs when visible.

Skylights. Skylights should not be visible from the street.

Mechanical system screening. HVAC units should be located where they are not readily visible from the street. If visible, they shall be screened with shrubbery or fencing. Exterior HVAC ductwork shall not be visible from street. Electrical and gas meters and other mechanical equipment should be located on the side or rear façade. The Conway Historic District Commission shall consider that utility equipment location may be beyond the applicant's control.

Shutters. If used, shutters should be in proportion to their window opening. They should fit so that if they were closed, they would cover the window opening.

Colors. Colors will not be regulated under this ordinance. The use of colors that are compatible with the surrounding area is highly encouraged. Colors should be selected to highlight the architectural details of a building.

Additions. An exterior addition to a historic residence may radically alter its appearance. The design of a new addition shall follow the regulations for new construction for all elevations that are prominently visible. New additions should not destroy the materials that characterize the property. New work should be compatible in massing, size, scale, and architectural features to protect the historic integrity of the property. Use materials, windows, doors, and architectural detailing that are compatible with the existing home. The addition should be done in such a manner that if removed in the future, the essential form and integrity of the original structure would be unimpaired. New design shall not use the same wall plane, roof line or cornice line of the existing structure.

The addition shall be sized so that it does not visually overpower the existing building. The addition shall be located at the rear or side elevation in a manner that the addition visually secondary to the primary elevation of the historic structure. If the addition is located on an elevation facing the street or an important pedestrian route, the visible elevation shall be treated under tightest standards of the construction guidelines of this ordinance.

Outbuildings. The design of new outbuildings with a footprint of 160 square feet or larger should use materials, windows, doors, and architectural detailing that are compatible with the existing or proposed residential structure. The footprint of an Accessory Dwelling Unit may be a maximum of 75% of the footprint of the primary structure or 1,000 square feet in gross floor area, whichever is less. The footprint of a non-residential outbuilding may be a maximum of 50% of the footprint of the primary structure.

B. Transition Zone Standards

Unless otherwise superseded through the use of explicit language herein Part B, the design criteria established within Parts A and C shall maintain all regulatory bearing for the Urban Transition Zone. Therefore, it is the charge of the Conway Historic District Commission and/or Administrative Official to determine where and how criteria from The Urban and/or Suburban zones shall apply within the Urban Transition Zone, basing their determination upon individual project dynamics, location, and desired neighborhood character.

Building Setbacks. Front setbacks in the Urban Transition Zone are defined as those which have street frontage. As measured from the right-of-way line, front setbacks shall be no greater than eighteen feet and no less than six. There is no requirement for side setbacks in the Urban Transition Zone, however all fire code requirements must be met.

Rear setbacks shall be no less than five feet from the rear property line. In cases where alleys are present, rear setbacks must remain a minimum of fifteen feet from the centerline of the alley.

Building Height. Primary structures within the Urban Transition Zone shall be no greater than three and one-half stories in height. A half-story refers to the uppermost floor being 'tucked' into the roof gable and using dormer windows for natural lighting and fire access. (Also referred to as an "attic story.") Outbuildings shall be no greater than two stories in height.

Lot Coverage. The maximum allowable lot coverage for the Urban Transition Zone shall be eighty percent.

Parking Areas. Where off-street surface parking lots are necessary for multi-family, office, and commercial activities, such lots shall be designed to minimize their size, visibility, and interference with pedestrian safety or comfort. Every effort should be made by developers to shelter adjacent properties, sidewalks, and the public realm as a whole from the unsightliness and clamor of surface parking.

Curb Cuts & Drive-Troughs. Curb cuts in the Urban Transition Zone shall be no greater than twenty-four feet in width; however, for projects along quieter, neighborhood streets, twenty feet is required. When interrupted by a vehicular access point, the continuity of the sidewalk surface material and grade shall be maintained and the material and grade of the driveway interrupted.

Drive-through service windows shall be located in the rear of all mid-block and alley-accessed corner locations, provided they do not substantially disrupt pedestrian activity or surrounding uses.

Drive-through windows shall never be located along any structure's primary street frontage (i.e. between the structure and the street).

Sidewalks. A sidewalk shall be constructed or repaired as part of new construction in the Old Conway Design Overlay District.

Sidewalk exception: Sidewalks are not required with the construction of an addition or outbuilding with a footprint area less than 50% of the primary structure's footprint.

Sidewalks shall be constructed/repared for all street frontages and shall be built in accordance with the Conway Department of Transportation standards and shall be a minimum of five feet wide.

If sidewalks are not prevalent in the area or not technically feasible due to utilities, easements, rights of way, etc., a waiver may be requested. For residential development, an in-lieu fee of \$3 per square foot may be paid into the general sidewalk fund to be used within the boundaries of the Old Conway area. For commercial development, in-lieu fees shall be calculated in accordance with the City of Conway Subdivision Regulations and paid into the general sidewalk fund to be used within the boundaries of the Old Conway area.

Sidewalks shall pass through driveways, creating a seamless ribbon of paving material.

Trees. Canopy trees shall be planted along the public street frontage at ratio of one tree per thirty feet.

Removal of one or more diseased or damaged significant trees requires approval by the Administrative Official and issuance of a Certificate of Appropriateness. An application shall include the following information:

1. Site plan and/or photographs showing location of significant tree(s);
2. Proof that the tree is dead or so badly diseased or damaged that it cannot be salvaged (such as a letter from a landscape firm);
3. Any other reasons for removal;
4. Species and size of the tree that will be planted to replace it, as well as the location where it will be planted.
5. If a tree is removed, the stump must be removed or ground to the surrounding surface soil level.

The removal of a healthy, significant tree not in conjunction with development requires Historic District Commission review and issuance of a Certificate of Appropriateness.

C. Urban Zone Standards

Building Setbacks. A minimum of 80% of any building facade shall be within three feet of all property lines, except in the rear of the structure where an alley or other access exists. This shall be required only for the first four floors. Major architectural projections into the public right-of-way such as balconies, arcades, and colonnades, shall require an encroachment permit, granted by City Council.

Structures may be set back up to 8 feet at the intersections in order to better articulate and accentuate the corners.

Building Height. Buildings shall have a front facade which is no fewer than two stories in height and no greater than six. The Planning Commission may make recommendations for City Council to grant additional stories for higher intensity development through the use of a conditional use permit.

The first story floor-to-floor height of any new building in the Urban Zone shall be a minimum of fifteen feet.

Lot Coverage. The maximum allowable lot coverage for the Urban Zone shall be one hundred percent.

Landscaping and Paving. Outdoor ground plane which abuts or is adjacent to the public right-of-way shall be paved with terrazzo, concrete pavers, concrete, stone, brick, tile, or another high quality hardscape material. Asphalt and loose paving such as gravel are not permitted.

Any proposed landscaping shall not block pedestrian access to storefronts or building entrances.

Fences, Railings, & Walls. Fences, railings, and walls shall be constructed of metal, brick, or stone. Plastic, chain link, and wood are prohibited. Fences and railings shall be a minimum of 70% open.

Vehicular Access Points. Curb cuts in the Urban Zone shall be no greater than 20 feet in width.

When interrupted by a vehicular access point, the continuity of the sidewalk surface material and grade shall be maintained and the material and grade of the driveway interrupted.

Off-Street Parking. Except in the most critical of circumstances, locating surface parking lots at block corners shall not be permitted.

Where a parking lot must abut a public sidewalk, a visual buffer shall be provided through the use of a wall or fencing along the sidewalk edge. Materials should be compatible with those of nearby buildings and utilize visually interesting elements, such as masonry patterns, articulation, and vegetation. In situations where walls are not appropriate, a landscape buffer may be utilized. However, landscaping shall be dense and unbroken in order to completely meet the spirit and intent of this section. Planting strips and planter boxes may be incorporated to assist in fulfilling this requirement.

Loading Docks. All loading docks shall be screened from pedestrian view. A combination of doors, gates, walls, fencing, and/or landscaping shall be used to shield the loading dock from view.

Dumpsters. Trash dumpsters shall be further screened by use of a gate and structure which complements the design of the primary building through the use of similar materials, colors, finishes, and architectural details. Dumpster enclosures shall be constructed of masonry materials and shall meet the Sanitation Department's specifications.

Facade Articulation. A minimum of 35% of each upper story shall be windows. Windows shall be proportioned to appear vertical, even when combined to form horizontal bands around the structure. Facades shall be broken down into distinct twenty to thirty foot "modules" or "bays" from side to side in order to prevent a monolithic edge to the street. The modules can follow structural, historical, aesthetic, or functional dimensions, but should always remain contextual to the street.

Large unarticulated walls are discouraged, and shall have either a window or a functional public access (such as a door or passageway) at least every ten feet. Facades exceeding fifty feet in length shall be visually broken down into bays through the use of architectural elements such as pilasters, reveals, or other three-dimensional surface modulations.

Building facade designs shall respect the historical context of Old Conway with a clear ground floor, body, and cornice line (i.e. "base, body, and cap"). Designs should be contextual to adjacent buildings, including their cornice lines and horizontal banding. The use of traditional facade components is encouraged and includes parapets caps, cornices, transoms, awnings, storefronts, kickplates, recessed entries, and sign bands.

Ground-Level Facade Detail. A minimum of 2/3 of the first story facade shall be windows. First story windows shall be a maximum of three feet above the ground. Please refer to the section titled "Building Materials" for percentage of transparent glass.

Windows should be used to display products and services and maximize visibility into storefronts. With the exception of ground-floor residential units, windows shall not be obscured with elements that prevent pedestrians from seeing inside.

Building Materials. Of the total amount of glass on the first story facade(s), a minimum of 85% shall be transparent. The remaining 15% may be stained, frosted, or otherwise non-transparent glass. Tinted or reflective glass is discouraged at ground level. All floors other than ground level may utilize window transparency as desired. Building materials (other than glass) shall include brick, stone, concrete, architectural metals, stucco/plaster, and wood trim.

Prohibited materials shall include wood siding, pressed wood siding, composite siding, vinyl siding, and all forms of sheet metal sheathing. Exterior insulated finishing systems (EIFS) are discouraged. (EIFS) shall only be applied in upper story areas or other areas not susceptible to impact damage. These materials are not contextual to Old Conway and are generally perceived to be less permanent in nature, therefore they are not appropriate for use within the Urban Zone.

Building Entries. Main pedestrian entries shall be located on the street to generate pedestrian traffic on the sidewalk. Building entries shall be emphasized with architectural features, changes in the facade plane, different massing, or unique materials and finishes.

The primary pedestrian entry to each building shall be along the street frontage. For buildings that front on two streets, entries shall be located along each frontage or at the corner if the building is at an intersection.

All structures shall be ADA compliant.

Any use confined to a building's upper floors (such as with a mixed-use structure) shall be provided at least one entry located along street frontage to further promote street life. These should be designed as separate entries and

distinguished from ground-level uses with architectural details, materials, colors, lighting, signage, and/or paving, so that it is clear which entries are public and which are private.

All street front doors, as well as the walls which make up recessed entries, shall comply with all transparency requirements as outlined in the previous two sections. Address labeling greater than ten inches high shall be considered “signage” and therefore shall comply with the Conway Sign Ordinance.

Overhead Cover. Where desired or required, overhead cover shall be a minimum of eight feet above the sidewalk grade. No cover shall project beyond the curb line of the street.

Overhead cover which requires structural support to rest within the right-of-way (i.e. arcades, colonnades, balconies, etc.) shall require approval of encroachment by the Conway City Council.

Public trees located within the right-of-way take precedence to all overhead cover designs and shall be provided all necessary growing room.

Exterior Building & Accent Lighting. The use of moving, blinking, or strobe lights is prohibited.

Sidewalks. Sidewalks shall be provided for all new construction and located along all street frontages and located within the public right-of-way. Sidewalks shall extend from the structure’s facade outward to the existing curb line of the street. Where public sidewalk improvements are necessary, they shall be constructed in accordance with Conway Department of Transportation standards. Asphalt and loose paving are not permitted.

Sidewalk exception: Sidewalks are not required with the construction of an addition or outbuilding with a footprint area less than 50% of the primary structure’s footprint.

If sidewalks are not prevalent in the area or not technically feasible due to utilities, easements, rights of way, etc., a waiver may be requested. For residential development, an in-lieu fee of \$3 per square foot may be paid into the general sidewalk fund to be used within the boundaries of the Old Conway area. For commercial development, in-lieu fees shall be calculated in accordance with the City of Conway Subdivision Regulations and paid into the general sidewalk fund to be used within the boundaries of the Old Conway area.

Sidewalk Cafes. All outdoor seating which takes place within the public right-of-way shall require approval of encroachment from the Conway City Council. No less than five feet of sidewalk must remain unobstructed by tables, chairs, or other encumbrances, and be available for the free-flow of pedestrian traffic at all times. Eight feet is recommended where sidewalk widths allow.

All sidewalk cafes must be located in front of or beside the associated restaurant and on the same side of the street. Sidewalk cafes may be located in front of adjacent properties with the permission of that building owner or tenant.

No signs are permitted in the cafe area except tabletop signage, menu signs, “Please wait to be seated” signs, and any others permitted by the Conway Sign Ordinance. All signage shall be removed each day at the close of business.

Sidewalk Furniture, Public Art, and Other Accessories. Street furniture and accessories may be located within the public sidewalk immediately adjacent to the host structure. All shall be constructed of durable materials, correspond to the general aesthetic character of the Urban Zone, and not be harmful to any public streetscape materials (such as the sidewalk surface). All furniture and accessories shall be removable when necessary.

All art displayed within the public right-of-way, to include sculptures, wall murals, or any other forms, shall be submitted for approval by the Conway City Council. Public artwork may not be used as an advertising or marketing tool for its host property.

Signage. All signage shall adhere to the guidelines and regulations detailed within the Conway Sign Code, all overlay district regulations which may apply, and any and all other current laws pertaining to signage.

Signage (District-wide). The one exception to the aforementioned guideline is for the area measurement for those signs most commonly referred to as “freestanding” signs. A freestanding sign is a sign supported permanently upon the ground by poles or braces and not attached to any building. Most commonly, these signs take the form of a ‘monument’ sign or ‘post-and-arm’ sign. In no case shall any freestanding sign within the Old Conway Design Overlay District exceed 16 square feet in area per side, and a maximum height of 4 feet, without an exception granted by the Historic District Commission.

Section 8: Definitions

Unless specifically defined below, words or phrases shall have the same meaning, they have in common usage.

ADDITION - New construction added to an existing building or structure.

ADMINISTRATIVE REVIEW – Any review made by the director of Planning and Development, or his or her designee.

ALTERATION - Any project involving change of or addition to an existing building as it pertains to exterior of the building as viewable from a public right of way

AREA OF INFLUENCE - The affected area to be notified for a public hearing as determined by a specific type of construction, alteration, restoration, moving or demolition as described in the individual categories found in the guidelines for review adopted by the Historic District Commission.

BUILDING - Any structure having a roof supported by columns or walls for the housing or enclosure of persons or animals.

CERTIFICATE OF APPROPRIATENESS - A document awarded by the Conway Historic District Commission allowing an applicant to proceed with a proposed new construction or addition in a designated area or site, following a determination of the proposal's suitability according to applicable criteria.

CHARACTER - The qualities and attributes of any structure, site, street or district.

CONTEMPORARY - Reflecting characteristics of the current period. Contemporary denotes characteristics which illustrate that a building, structure, or detail was constructed in the present or recent past rather than being imitative or reflective of a historic design.

DETAILING - Architectural aspects that, due to particular treatment, draw attention to certain parts or features of a building.

DESIGN GUIDELINES - Criteria developed by preservation commissions to identify design concerns in an area and to help property owners ensure that rehabilitation and new construction respect the character of designated buildings and districts.

DISCRETIONARY REVIEW – A review requiring the exercise of judgment, deliberation or decision on the part of hearing body or commission.

ELEMENT - A material part or detail of a site, structure, street, or district.

ENTRANCE AREA - The area of access to the interior of the building including the design, location, and materials of all porches, stairs, doors, transoms, and sidelights.

EXTERIOR ARCHITECTURAL FEATURES - The architectural style, design, and general arrangement of the exterior of a structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures

FACADE - A face of a building.

HEIGHT - The vertical extent of a building measured in stories, not including a raised basement or attic. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads, and similar structures. Height shall be measured from the elevation of the lowest finished floor level to the highest point of the building.

HISTORIC STRUCTURE - Generally any building 50 years or older or any building determined to be historically significant by an appropriate authority - local, state, or national.

LOT COVERAGE – For the purposes of this ordinance, the area covered by all impermeable surfaces including the primary structure, drives, sidewalks, ancillary buildings, etc.

MASSING - Volume, magnitude, or overall size of a building.

OWNER OF RECORD - The person, corporation, or other legal entity listed as owner on the records of Faulkner County.

OUTBUILDING – An accessory building, usually located towards the rear of the same lot as the principal building. An outbuilding 160 square feet in area or larger requires that the structure be constructed with a foundation and is considered a permanent structure.

PRESERVATION - The maintenance of a property without significant alteration to its current condition.

PROPORTION - Relationship of height to width of the building outline as well as individual components.

PUBLIC NOTICE - The classified advertisement of an event, such as a preservation commission meeting, that is published in the local newspaper and posted in the city government building in order to notify the general public of the upcoming event.

REHABILITATION - The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

RESTORATION - The process of returning a building to its condition at a specific time period, often to its original condition.

RHYTHM - A harmonious or orderly recurrence of compositional elements at regular intervals, including the location of doors and the placement of windows, symmetrically or asymmetrically and their relative proportion.

ROOF AREA - The outside covering of a building or structure extending above the vertical walls including the form, material, and texture of the roof, including the slope, pitch, and spacing of roof covering. Roof area also includes but is not limited to size, design, number, and location of dormers; the design and placement of cornices; and the size, design, material, and location of chimneys.

SCALE - The relative dimension, size, degree or proportion of parts of a building to one another or group of buildings.

SITING - Location of a building in relationship to the legal boundaries and setbacks, adjacent properties, and the natural conditions of the site.

STRUCTURE - Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner. That which is built or constructed; an edifice or building of any kind.; excluding but not limited to, electric and cable television distribution and transmission lines, poles and equipment, fire hydrants and wastewater collection manholes.

TEXTURE - The visual or tactile surface characteristics created by shape, arrangement, and distribution of the component materials.

WALL AREAS - The vertical architectural member used to define and divide space. This includes but is not limited to kind, texture, and exposure of wall sidings and trims and the location, number, and design of all window and door openings.

Section 9. That any ordinances or parts of ordinances in effect at the time of the passage of this ordinance that are in conflict with this ordinance are repealed to the extent of the conflict.

APPROVED & AMENDED this 25th day of November, 2025

Approved

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-25-87

AN ORDINANCE AMENDING THE CONWAY ZONING CODE O-94-54, AS AMENDED FOR THE PURPOSES OF DISTINGUISHING BETWEEN BUILDING COVERAGE AND LOT COVERAGE; REMOVE DUPLICATIVE REQUIREMENTS ADDRESSED THROUGH OTHER CODE SECTIONS; AND FOR OTHER PURPOSES:

Whereas, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

Whereas, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on **October 20, 2025**, and adopted the prepared amendments.

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

Section 1: That these amendments to the Conway Zoning Code are hereby adopted by reference, and included as exhibit "A" to this ordinance, as Article III of O-94-54, as amended and also known as the Conway Zoning Code.

Section 2: All ordinances in conflict herewith are repealed to the extent of the conflict. The Planning and Development Director shall be empowered to recodify the Zoning Code as necessary to update the code with the amendments.

PASSED this 25th day of November, 2025.

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer

EXHIBIT A

305.3 – LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any residential district in a manner that does not meet the minimum requirements set forth in the following table:

No building or structure shall be erected or enlarged that will cause the maximum lot coverage, building coverage, or maximum height regulations to be exceeded for such district as set forth in the following table. However, a principal use building or structure may exceed the maximum allowed height (but not number of stories) when an additional one (1) foot of interior side yard setback is provided for each two (2) feet of additional height. This exception does not apply to zero lot line buildings.

A minimum of ten (10) feet shall separate all detached buildings. Each lot in R-1, R-2, R-2A, SR, and HR zoning districts shall have a minimum street frontage equal to the minimum lot width, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than thirty-five (35) feet of street frontage with the two (2) side lot lines intersecting the street diverging until they are separated by the minimum required lot width at the building line. Each lot in MF-1, MF-2, MF-3, and RMH zoning districts shall have a minimum of thirty-five (35) feet of street frontage. Each lot must be a minimum of one hundred (100) feet in depth at its shallowest point with the depth measured at right angles or radial to the centerline of the street line. That all lots existing at the time of the passage of this ordinance that are rendered nonconforming by the passage of this ordinance shall not be required to obtain a variance from such created nonconformity in order to obtain a building permit.

Zoning District	Use	Min. Lot Area (sq. ft.)	Lot Area Per Family (sq. ft.)	Min. Lot Width (ft.) (4)	Max. Bldg./Lot Coverage	Setback Requirements (ft.)				Max. Height*	
						Front	Interior	Exterior	Rear	Stories	Feet
R-1	All Except Accessory*	6,000	6,000	60'	40%	25'	6'	25'	25'	2.5	35'
R-2A	Duplex	10,000	5,000	100'	30% (1) (9)	40'	10'	25'	20'	2.5	35'
	SF-Detached	6,000	6,000	50'	30% (1) (9)	25'	6'	25'	20'	2.5	35'
	All others Except Accessory*	10,000	-	100'	30% (1) (9)	40'	10'	25'	20'	2.5	35'
R-2	All Except Accessory*	6,000	3,500 (8)	50'	30% (1) (9)	25'	6'	25'	20'	2.5	35'
SR	All Except Accessory*	14,500	14,500	100'	30% (1)	25'	8'	25'	25'	3	42'
HR	Duplex	10,000	5,000	100'	30% (1)	25'	6'	25'	20'	2.5	35'
	SF-Detached	5,000	5,000	50'	30% (1)	25'	6'	25'	20'	2.5	35'
	All others Except Accessory*	5,000	5,000	50'	30% (1)	25'	6'	25'	20'	2.5	35'
MF-1	Multi-Family	10,890	3,630	60'	30% (1)/ 70%	15'	15' (2)	25'	25'	3	35'
	Duplex	7,260	3,630	60'	30% (1)/ 60%	25'	6'	25'	25'	3	35'
	SF-Detached	6,000	6,000	60'	30% (1)/ 60%	25'	6'	25'	25'	3	35'
	Zero Lot Line	4,800	4,800	40'	30% (1)/ 60%	25'	10'/0' (3)	25'	25'	3	35'
	All others Except Accessory*	6,000	-	60'	30% (1)/ 70%	25'	6'	25'	25'	3	35'
MF-2	Multi-Family	7,260	2,420	60'	30% (1)/ 70%	15'	15' (2)	25'	25'	3	35'
	Duplex	6,000	3,000	60'	30% (1)/ 70%	25'	6'	25'	25'	3	35'

EXHIBIT A

Zoning District	Use	Min. Lot Area (sq. ft.)	Lot Area Per Family (sq. ft.)	Min. Lot Width (ft.) (4)	Max. Bldg./Lot Coverage	Setback Requirements (ft.)				Max. Height*	
						Front	Interior	Exterior	Rear	Stories	Feet
	SF-Detached	6,000	6,000	60'	30% (1)/60%	25'	6'	25'	25'	3	35'
	Zero Lot Line	4,000	4,000	40'	30% (1)/60%	25'	10'/0' (3)	25'	25'	3	35'
	All others Except Accessory*	6,000	-	60'	30% (1)/70%	25'	6'	25'	25'	3	35'
MF-3	Multi-Family	6,000	1,815	60'	30% (1)/70%	15'	15' (2)	25'	25'	3	35'
	Duplex	6,000	3,000	50'	30% (1)/70%	25'	6'	25'	25'	3	35'
	SF-Detached	6,000	6,000	50'	30% (1)/60%	25'	6'	25'	25'	3	35'
	Zero Lot Line	4,000	4,000	40'	30% (1)/70%	25'	10'/0' (3)	25'	25'	3	35'
	All others Except Accessory*	6,000	-	50'	30% (1)/70%	25'	6'	25'	25'	3	35'
RMH	MH – Subdivision*	3,800	3,800	38'	30% (1)/60%	25'	5'	20'	15'	1	15'
	MH – Park*	2 ac.	3,800 (5)	38' (6)	30% (1)/60%	20' (7)	10' (7)	20' (7)	20' (7)	1	15'

*See Article V Special Provisions Conditions Applying to Uses

- (1) The building coverage may be 35% on an exterior or corner lot.
- (2) Interior side yard setbacks shall be no less than fifteen (15) feet or equal to the height of the building (measured from the ground to halfway between the eave and the ridge or to the top of the parapet (wall), whichever is greater.
- (3) On zero lot line structures, one side yard setback must be no less than ten (10) feet, and the other side yard setback must be zero (0) feet. No openings shall be allowed in the wall abutting the zero lot line setback. If two (2) dwellings abut the same zero lot line, a fire wall, as called for by the Building Code is required.
- (4) Corner lots shall be at least seventy-five (75) feet wide at the building line to allow for side street building lines, except for corner lots in mobile home subdivisions, which shall be at least fifty-eight (58) feet wide at the building line.
- (5) Minimum area for each space for each mobile home.
- (6) Minimum width for a mobile home space. Corner mobile home spaces must be a minimum of fifty-two (52) feet wide at the building line.
- (7) Minimum setbacks from the perimeter property lines of the mobile home park and from the boundaries of each mobile home space.
- (8) The minimum lot area per family may be reduced to 3,125 square feet per family if a conditional use permit to allow this reduction is granted through the conditional use permit procedures established in this ordinance.
- (9) For Conditional Use Permit developments allowing up to twelve (12) dwelling units per acre, single lot, lot coverage may not exceed 60%.

306.4 – LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any commercial or office district in a manner that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table. However, a principal use building or structure may exceed the maximum allowed height and number of stories shown in the table when an additional one (1) foot of additional setback in each required yard is provided for each one (1) foot of additional height. In the C-1 district, each one (1) foot of setback from each lot line will allow one (1) foot of additional height. Any maximum allowed height or number of stories shown in the footnotes shall not be exceeded.

Unless stipulated otherwise elsewhere in this ordinance, a minimum of ten (10) feet shall separate all detached buildings.

In C-1, C-3 and O-1 zones, no street frontage is required for lots, but access must be assured through creation of an access easement no less than twenty-five (25) feet in width and extending from the street right-of-way of a public street to the lot. If street frontage is provided for lots in C-1, C-3 and O-1 zones as a means of access to the lots, each frontage must be no less than thirty-five (35) feet in width and the part of the lot providing access from the street to the remainder of the lot must be no less than thirty-five (35) feet wide at any point. In C-2, O-2 and O-3 zones, each lot shall have a minimum of thirty-five (35) feet of street frontage and the part of the lot providing access from the street to the remainder of the lot must be no less than thirty-five (35) feet in width at any point.

In C-1 zones, there shall be no minimum lot depth. In all other zones in this section, each lot shall have a minimum depth at its shallowest point of one hundred (100) feet with the depth measured at right angles or radial to the centerline of the street line.

In O-1, O-2, and O-3 zones, corner lots shall be at least seventy-five (75) feet wide at the building line to allow for side street building lines.

All accessory buildings except those on the same lot with a single-family residence or a duplex shall meet the same lot regulations as principal buildings.

EXHIBIT A

Zoning District		Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Bldg. Coverage	Max. Lot Coverage	Setback Requirements (ft.) (2)(8)(9)					Max. Height*	
						Front (7)	Interior (to Residential District)	Interior (to Nonresidential District)	Exterior	Rear	Stories	Feet
C-1		None	25'	100%	100%	0'	0'	0'	0'	0'	---	No Limit
C-2		5,000	50'	35%	70%	15'	12'	5'	15'	10'	2	25'
C-3		5,000	50'	50%	80%	15'	12'	0'	15'	10'	4 (10)	45'
O-1		15,000	100'	50%	70%	25'	10'	10'	25'	15'	---	45'
O-2		7,000	50'	35%	70%	25'	8'	8'	25'	25'	2.5	35' (4)
O-3 (1)	a	10,000	30%	30%	60%	40'	10'	10'	25'	20'	2.5 (6)	35'
	b	6,000	30% (5)	30% (5)	60%	25'	6'	6'	25'	20'	2.5 (6)	35'

FOOTNOTES: *See Article V Special Provisions Conditions Applying to Uses

- (1) (a) Refers to requirements for duplexes; (b) refers to all others except accessory buildings. For accessory buildings, see Article V Special Provisions Conditions Applying to Uses.
- (2) Anytime a structure is located less than six (6) feet from any lot line, the structure must meet fire district requirements for construction as specified in the Building Code.
- (3) At no time may maximum height exceed seventy-five (75) feet.
- (4) Maximum height at no time shall exceed forty-five (45) feet.
- (5) The lot coverage may be 35% on an exterior or corner lot.
- (6) Maximum number of stories shall not exceed 2.5.
- (7) See Section 524 – Setbacks on Corner Lots
- (8) In the C-1 Central Business District, canopies may project over the street rights-of-way if they terminate no less than two (2) feet horizontally from the outside edge of the street curb and are no less than eight (8) feet above the surface of a new or existing sidewalk.
- (9) No building in the C-1 Central Business District, regardless of the location of the lot lines of the property on which it is to be built, shall be built closer than eight (8) feet from the back of the curb line of any public street abutting the property on which the building is located. This spacing shall be maintained in order to provide adequate space for the required sidewalk to be built along that street frontage.
- (10) Structures within the C-3 zoning district abutting a lot with a single-family or two-family dwelling shall not exceed thirty-five (35) feet in height.

EXHIBIT A

307.3 – LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any industrial district in a manner that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district.

A minimum of ten (10) feet shall separate all detached buildings.

In all industrial zones, each lot must have a minimum of fifty (50) feet of street frontage, and a minimum depth at its shallowest point of one hundred (100) feet with the depth measured at right angles or radial to the centerline of the street.

All accessory buildings shall meet the same lot, yard, and height regulations as principal buildings.

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Bldg./Lot Coverage	Setback Requirements (ft.) (3)							Max. Height (2)	
				Front Yard (4)	Side Yard			Rear Yard			Stories	Feet
					To Street ROW	To Res. District	To Other Property Lines	To Street ROW	To Res. District (1)	To Non-Res. District (1)		
I-1	10,000	100'	50%/80%	40'	25'	20'	0'	35'	20'	12'	2.5	35'
RU-1	20,000	100'	40%/70%	50'	25'	20'	0'	25'	20'	12'	2.5	35'
I-3	20,000	100'	40%/80%	25'	15'	50'	0'	50'	50'	12'	6.5	75'

FOOTNOTES:

- (1) Where property abuts a railroad and loading and unloading facilities are utilized, or second siding or spurs, the loading and unloading portions of the structures may be built up to railroad property line.
- (2) A building or structure may exceed the maximum heights shown provided each of its front, side, and rear yards are increased an additional foot for each foot such building exceeds the maximum height.
- (3) If a building is closer than six (6) feet to any property line, it must be built as if it were in the fire district.
- (4) See Section 524 – Setbacks on Corner Lots.

EXHIBIT A

309.3 – LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any agricultural district in a manner that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded as set forth in the following table. However, a building or structure may exceed the maximum allowed height, but not number of stories, when an additional one (1) foot of each yard setback is provided for each one (1) foot of additional height.

A minimum of ten (10) feet shall separate all detached buildings. Each lot must have a minimum of thirty-five (35) feet of street frontage. Each lot must be a minimum of one hundred (100) feet in depth at its shallowest point with the depth measured at right angles or radial to the centerline of the street.

Accessory buildings shall meet the same requirements as principal buildings.

Lot Regulations		Zoning District A-1
Minimum Lot Area (Square Feet)		43,560 (one acre)
Minimum Lot Width at Building Line (Feet)		150'
Maximum Building Coverage (Percent)		30%
Maximum Lot Coverage		50%
Yard Regulations (In Feet)		
Minimum Front Yard		30'
Minimum Side Yard	Interior	10'
	Exterior	30'
Minimum Rear Yard		25'
Height Regulations		
Maximum Number of Feet		35' (1)
Maximum Number of Stories		2.5

FOOTNOTES:

- (1) A building or structure may exceed the maximum height shown provided each of its front, side, and rear yards are increased an additional foot for each foot such building exceeds the maximum height.

EXHIBIT A

310.3 – LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any institutional district in a manner that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded as set forth in the following table.

A minimum of twenty (20) feet shall separate all detached buildings.

Each lot must have a minimum of thirty-five (35) feet of street frontage.

Each lot must be a minimum of one hundred (100) feet in depth at its shallowest point with the depth measured at right angles or radial to the centerline of the street.

Accessory buildings shall meet the same requirements as principal buildings.

Lot Regulations		Zoning District S-1
Minimum Lot Area (Square Feet)		43,560 (one acre)
Minimum Lot Width at Building Line (Feet)		150'
Maximum Building Coverage (Percent)		40%
Maximum Lot Coverage		80%
Yard Regulations (In Feet)		
Minimum Front Yard		25'
Minimum Side Yard	Interior	25'
	Exterior	25'
Minimum Rear Yard		25'
Height Regulations		
Maximum Number of Feet		100
Maximum Number of Stories		6



City of Conway, Arkansas
Ordinance No. O-25-88

AN ORDINANCE AMENDING THE CONWAY ZONING CODE O-94-54, AS AMENDED FOR THE PURPOSES OF ELIMINATING CONFLICTS BETWEEN ARTICLE IV AND ARTICLE X; SWITCHING THE CONTENTS OF ARTICLE IV WITH THE CONTENTS OF ARTICLE IX FOR EASE OF REFERENCE; PROVIDING FLEXIBILITY IN PARKING REQUIREMENTS; SIMPLIFICATION OF LANGUAGE; AND FOR OTHER PURPOSES :

Whereas, it is desirable to clarify parking and access requirements for both residential and commercial development through simplified regulatory language;

Whereas, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of the City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

Whereas, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on **October 20, 2025**, and adopted the prepared amendments.

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

SECTION 1: That these amendments to the Conway Zoning Code are hereby adopted by reference, and included as exhibit "A" to this ordinance, as Articles IV & IX of O-94-54, as amended and also known as the Conway Zoning Code.

SECTION 2: All ordinances in conflict herewith are repealed to the extent of the conflict. The Planning and Development Director shall be empowered to recodify the Zoning Code as necessary to update the code with the amendments.

PASSED this 25th day of November, 2025.

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer

ARTICLE IV. MOVING OF BUILDINGS

SECTION 401 – PERMIT REQUIRED

It is hereby declared unlawful for any person, persons, firm, company, or corporation to move any building in the City of Conway from one place to another upon the same lot, or from one place in the city to another place in the city not upon the same lot, or from without the city into the city, without first securing a permit to do so from the City Council.

However, the Designated Agent of the Mayor may grant a building permit for a “portable” building if said building or structure meets the following criteria, and other requirements of this ordinance.

A portable building as used in this section of this ordinance shall mean any building or structure not designed for full time occupancy, with no sleeping quarters and no installed electrical wiring or receptacles and no plumbing facilities and so designed as to be transported after fabrication, arriving at the site of location as a fully assembled structure not more than one hundred sixty (160) square feet in area and not more than sixteen (16) feet in its greatest dimension.

Such building shall be deemed an “Accessory Building” and will be subject to the conditions applying to uses in Section 502 of the Zoning Ordinance. Such building shall further comply with all requirements set forth in this ordinance for the zoning district into which said building or structure is placed.

However, the Mayor and Designated Agent may grant a ninety (90) day permit to locate a temporary or portable building or office within the City of Conway. However, the provisions of Section 902 – Applications do not apply to this ninety (90) day permit, but application for such permit shall be made direct to Designated Agent and Mayor for approval and issuance of permit.

SECTION 402 – APPLICATIONS

All applications for a relocation permit to move any building shall be made in writing to the Designated Agent, not less than seventeen (17) days prior to the required public hearing, on a form furnished by said Agent, and shall contain the following information:

- A. Description of type of building to be moved.
- B. Present location of building.
- C. Proposed location of building.
- D. Present and future use of the building.
- E. Route over which said building is to be moved and method to be used in moving said building.

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- F. Photographs of the building or structure to be moved and photographs of the buildings on the properties contiguous with the premises onto which the building or structure is to be moved.
- G. A report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation.
- H. Such other information as may reasonably be required in order to carry out the purposes of this Section.

If, upon review of the application, the Designated Agent can reasonably determine that the building or structure meets requirements of a portable building as defined in this ordinance, then a building permit may be granted and no building moving fee will be charged. If this determination cannot be made by the Designated Agent, the application will be forwarded to the City Planning Commission for action as set out in this ordinance for the moving of other buildings and structures.

SECTION 403 – FEES

Before any application for a relocation permit is forwarded to the City Planning Commission an application fee shall be paid by the applicant to the Designated Agent to cover the cost of investigation and inspection. The application fee shall be three hundred twenty-five dollars (\$325.00) for any building located within the City of Conway. For any building located outside the City of Conway, the application fee shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable. This application fee shall be in addition to all other fees required by the City Code of the City of Conway.

Upon acceptance of any application for a relocation permit, the Planning Commission will cause to be inspected the building or structure proposed to be moved, the district into which the building is to be moved, and the premises onto which the building is to be moved.

SECTION 404 – NOTICE OF HEARING

The Planning Commission shall cause the applicant to post, fifteen (15) days prior to the date on which application for a permit is to be heard, a notice upon a sign upon the property to which said building is to be moved, which said notice shall contain the following:

- A. The date on which the Planning Commission of Conway shall hold a hearing on the application for a permit to move a building.
- B. Description of type of building to be moved.
- C. Present location of building.
- D. Proposed location of building.

The sign shall be clearly visible, unobstructed to the passing general public and posted on or near the front property line. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned.

The applicant must file a legal notice in regard to the building moving which must run in the local newspaper at least once no later than fifteen (15) days prior to the public hearing. This public notice

EXHIBIT A

must include the present location of the building to be moved, the location (including legal description and address (if no address is available, a description which is clear to the average lay person will suffice)), the type building to be moved, the proposed use of the building and the time, date and place of the public hearing.

SECTION 405 – HEARING

At the time of the scheduled public hearing, any person may appear before the Planning Commission of the City of Conway and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application for a permit, the Planning Commission of Conway shall approve or disapprove of the application.

Following disapproval of a proposed building moving permit request by the Planning Commission, the petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission's findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the request. A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place.

The City Council of the City of Conway may in its discretion either grant or deny the application for a permit, and may attach any conditions to said permit deemed necessary by said council.

SECTION 406 – PERMIT CONDITIONS

No permit shall be issued to relocate any building or structure which is so constructed or in such condition as to be dangerous or which is unsanitary; or which if it be a dwelling or habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district into which the building is to be relocated; or, if the proposed use is prohibited by any provision of the City Code or by any other law or ordinance; provided, however, that if the conditions of the building or structure in the judgment of the building inspector admits of practicable and effective repair, the permit may be issued on such terms and conditions as the building inspector may deem reasonable and proper including but not limited to the requirement of changes, alterations, additions, or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to the public welfare or to the property and improvements, or either, in the district into which it is to be moved.

The terms and conditions upon which each permit is granted shall be written upon the permit or appended in writing thereto. Said terms and conditions and the relocation bond shall provide for the removal of all concrete, lumber, and other debris and the filling of basements, cellars, or other excavations remaining from the removal of the building or structure from the premises from which it is moved when such premises are within the City of Conway.

After a building moving permit is secured, a building permit must be sought and granted prior to movement of the building.

SECTION 407 – REMOVAL CLEANUP

When a building or structure is moved from any property located in the City to any other location, the site from which the building is moved shall be cleaned of all concrete, lumber, and other debris remaining from the removal of the building and all basements, cellars, and other excavations shall be filled. Such work shall be performed by the person moving such building or structure.

SECTION 408 – DENIAL OF PERMIT – GROUNDS

If the unlawful, dangerous, or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the relocation permit shall be denied.

SECTION 409 – BOND DAMAGE TO STREETS OR PROPERTY

In granting any permit, the council may in its discretion require applicant to give a bond to the City of Conway in an amount to be fixed by said council to ensure payment for any damage which applicant may cause to any public property, streets, sidewalks, trees or shrubs in the moving of any building.

SECTION 410 – EXEMPTIONS

All buildings meeting the criteria for a portable building are exempt from the requirements of this article. However, all such buildings shall be required to obtain a building permit and all other required permits and undergo and pass all inspections as required by ordinances or rules, regulations or codes.

All buildings specifically designed and built to be transported over public roads are exempt from the requirements of this article. However, a building permit must be obtained prior to movement of the building and all building codes (including electrical, mechanical and all other relevant codes) must be met and the building must be inspected for compliance with those codes prior to final placement of the building on the parcel of land. Furthermore, the permitting and inspecting department may require a report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation if it is deemed necessary. If the report is unsatisfactory, the building may be refused a building permit or any building permit that may have been issued may be voided.

ARTICLE IX. OFF-STREET PARKING AND ACCESS MANAGEMENT

SECTION 901 – APPLICATION

Except where special district or use regulations establish different or less restrictive requirements, off-street parking and loading areas shall be required for all uses in all zoning districts, except the C-1: Central Business District. Off-street parking and loading areas shall be required to meet the standards of this Article when one of following occurs:

- A. Construction of one (1) or more main buildings on a lot,
- B. The addition of or a change to the vehicular access to or within a site,
- C. An off-street parking or loading area is expanded,
- D. Any addition/expansion of an existing main building,
- E. The conversion of a main building intended for residential use to a nonresidential use,
- F. A use is established which adds a drive-through to a site where one does not exist
- G. Loading areas shall be addressed for the establishment of any use where material or merchandise is received or distributed by commercial vehicles.

SECTION 902 – ESTABLISHMENT OF PARKING

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902.1 – GENERAL REQUIREMENTS

Once established, required off-street parking and loading areas shall meet all the requirements of this Article and shall not be diminished in number or reduced in size below the requirements for its attached use or official approval. Off-street parking and loading areas shall be located on the same property or lot as its attached use or main building, unless subject to an allowed shared parking agreement.

902.2 – ESTABLISHMENT

Off-street parking and loading areas shall be considered to be established when paved and marked for use or when used on a permanent basis. A permanent basis shall be considered once (1) per seven (7) days for a period of at least thirty (30) days or as evidenced by signs of consistent use for parking by creation of barren spot on the ground or presence of a graveled surface. Parking areas not considered permanent shall not be subject to the requirements of this Article.

SECTION 903 – NUMBER OF REQUIRED OFF-STREET PARKING SPACES

903.1 – NON-RESIDENTIAL STANDARDS

Off-street parking shall be established for individual sites and developments based on need. The following table establishes guidelines for the minimum number of off-street parking spaces required by general use types and are meant to serve as a general guide to property owners. In consultation with the property owner, the Administrative Official may allow a reduced minimum or increased maximum number of off-street parking spaces by written justification from the property owner.

Use	Minimum	Maximum
Lodging	1.0 spaces per lodging room	1.1 spaces per lodging room
Office/Institution	2.8 spaces per 1,000 ft ²	4.2 spaces per 1,000 ft ²
Retail/General Business	3.4 spaces per 1,000 ft ²	4.8 spaces per 1,000 ft ²
Restaurant	9 spaces per 1,000 ft ²	12 spaces per 1,000 ft ²
Industry	0.6 spaces per 1,000 ft ²	1.8 spaces per 1,000 ft ²

903.2 – RESIDENTIAL STANDARDS

The following table establishes standards for the minimum number of off-street parking spaces required for residential uses. On-street parking directly abutting and adjacent to the property line of a property may be counted toward meeting these requirements. These standards may only be altered for an individual property by approval of a variance in accord with § 704.

Use	Minimum	Maximum
Single-Family Dwelling	2.0 spaces per dwelling unit	N/A
Two-Family Dwelling	2.0 spaces per dwelling unit	N/A
Multi-Family Dwelling	1.5 spaces per dwelling unit	4.0 spaces per dwelling unit
Accessory Dwelling Unit	N/A	N/A

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903.3 –ADA STANDARDS

All nonresidential uses with parking and multi-family uses shall be required to provide off-street parking accessible for people with disabilities designed in accordance with the Americans with Disabilities Act Accessibility Standards.

Number of Parking Spaces	Accessible Spaces	Van Spaces
1 -25	0	1
26 - 50	1	1
51 - 75	2	1
76 - 100	3	1
101 - 150	4	1
151 - 200	5	1
201 - 300	5	2
301 - 400	6	2
401 - 500	7	2
501 – 1,000	2% of total	1 for each 6 accessible spaces
Over 1,000	20 + 1 space each 100 over 1,000	1 for each 6 accessible spaces

SECTION 904 – OFF-STREET PARKING DESIGN STANDARDS

The following shall apply to off-street parking areas established with more than five (5) parking spaces.

904.1 – ORIENTATION AND LOCATION

- A. Parking areas located in the front setback or between the main building and any public street are to be avoided. No more than one (1) parking drive aisle may be allowed in such areas except when site conditions or development size make this requirement infeasible in the determination of the Administrative Official.
- B. Continuous access, head-in parking directly accessing from a public street or a fire apparatus road used as access to a property is not permitted as off-street parking.
- C. Parking areas must be located on the same lot of record/property as the use to which it supports, unless subject to a parking agreement, approved and signed by the Administrative Official, filed and recorded with the Faulkner County Clerk

904.2 – DESIGN

- A. Parking and internal circulation areas shall be designed to comply with the requirements of the Arkansas Fire Prevention Code.
- B. No parking drive aisle may extend a length of more than two-hundred fifty (250) feet without being disrupted by an internal circulation drive without parking spaces directly

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accessing from it. Such internal circulation drive shall be well defined in a manner to indicate its purpose.

904.3 – PARKING SPACE DIMENSIONAL STANDARDS

	Width	Depth	Parking Drive Aisle/Maneuvering Area
Parallel	22'	8'	12'
45° (One Way)	9'	18'	12'-18'
60° (One Way)	9'	18'	18'
60° (Two Way)	9'	18'	24'
Ninety Degree Angle or Right Angle	9'	20'	24'

904.4 – PEDESTRIAN CIRCULATION

- A. A continuous pedestrian connection between the sidewalk along the primary street frontage and primary entrance to the main building on the lot shall be required in the form of sidewalks and paved pathways through the parking lot.
- B. Pedestrian connections shall provide an unobstructed area of at least five (5) feet in width. Where right angle parking is placed directly adjacent to the pedestrian connection, concrete or rubber wheel stops or curbing shall be used to protect from intrusion of vehicles into the pedestrian connection.
- C. Crosswalk striping shall be required in all locations in which sidewalk or paved pathways require a pedestrian to cross an area of vehicular traffic.

SECTION 905 – OFF-STREET PAVING STANDARDS

905.1 – AREAS ACCESSIBLE TO THE PUBLIC

- A. Off-street parking areas accessible to the public shall be considered those areas which can be accessed by the public or used for parking by customers/employees. Such areas are typically not secured by a fence during normal business hours.
- B. Such parking areas shall be graded and provide adequate drainage infrastructure to prevent the pooling and storage of water on the parking area.
- C. Such parking areas shall be paved with a sealed surface such as asphalt or concrete with curb and gutter at the edge of all paving. Sealed surfaces for all uses except single-family dwellings must be able to support an imposed load of at least seventy-five thousand (75,000) pounds.
- D. Upon approval of the City Engineer and in accordance with accepted engineering standards or the adopted LID standards of another Arkansas municipality, Low Impact Development (LID) techniques may be used in parking lot surfacing as an alternative to the paving and curbing requirements.

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- E. The following are excluded from these requirements:
1. Areas that are used for the parking and storage of large equipment which could damage the parking surface.
 2. Single-family dwellings with a building line greater than seventy-five (75) feet from the front property line and driveway length of at least seventy (70) feet.

905.2 – AREAS NOT ACCESSIBLE TO THE PUBLIC

- A. Off-street parking areas not accessible to the public shall be considered those areas which cannot be accessed by the public, used for storage, and secured by a fence.
- B. Such areas shall be graded and provide adequate drainage infrastructure to prevent the pooling and storage of water on the parking area.
- C. Such areas shall be covered or a dust-free surface able to support an imposed load of at least seventy-five thousand (75,000) pounds.

905.3 – PARKING IN EXCESS OF THE MAXIMUM PARKING STANDARDS

Off-street parking areas provided in excess of the maximum parking standards shall be required to use LID techniques such as porous paving, rain gardens, etc. for paving and curbing. Such techniques shall require approval of the City Engineer and be in accordance with accepted engineering standards or the adopted LID standards of another Arkansas municipality.

SECTION 906 – SHARED PARKING AGREEMENTS

Shared parking agreements may be used to meet the off-street parking requirements of this Article. Shared parking agreements and shared off-street parking must meet the following:

- A. Shall be within three hundred (300) feet of the supporting uses.
- B. Shall be accessible with a pedestrian path.
- C. Shall not require a pedestrian to cross a collector or minor/major arterial.
- D. Shall be guaranteed by and subject to a legally binding agreement that provides for use of the parking for the lifespan of the use or building regardless of owner or successor and be filed with the Faulkner County Clerk.

SECTION 907 – DRIVEWAY AND ACCESS MANAGEMENT STANDARDS

The requirements of this Section shall apply in addition to any separate regulations or access management plan/agreement. Where conflicts occur, the more stringent shall apply.

In order to allow for the orderly flow of traffic and promote road safety as well as help reduce crashes between vehicles, pedestrians, and cyclists, the following standards apply:

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907.1 – DRIVEWAYS FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS

The following shall apply to driveways for single-family and two-family dwellings:

A. Width

Driveways shall not exceed twenty-four (24) feet in width, except where the main building is placed less than fifty (50) feet from the front property line or projected edge of the Master Transportation Plan right-of-way, whichever is greater.

B. Paving

1. Paving with a sealed surface such as asphalt or concrete shall be required for any driveway less than fifty (50) feet in length. Ribbon driveways may be used to meet this requirement.
2. Any portion of a driveway that exceeds fifty (50) feet from the front property line may be finished with a dust-free hard surface such as compacted gravel.

C. Driveway Aprons

Driveway aprons shall be constructed in a manner consistent with the Conway Standard Details for Roadway & Drainage Construction.

907.2 – DRIVEWAYS/ACCESS MANAGEMENT FOR MULTI-FAMILY AND NONRESIDENTIAL USES

The following shall apply to driveways for multi-family dwellings and nonresidential uses:

A. General Requirements

1. Width: Driveways shall be a minimum of twelve (12) feet in width and not exceed forty (40) feet in width. A driveway less than twenty (20) feet in width may only be used for one-way traffic.
2. Paving: Paving shall meet the requirements of § 905.1.
3. Driveway Aprons: Driveway aprons shall be constructed in a manner consistent with the Conway Standard Details for Roadway & Drainage Construction.

B. Access Management

Access to roadways shall be managed based on the following standards:

1. General Requirements:
 - a. Measurement: Distances for these requirements shall be measured from curb return to curb return.

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- b. Intersections: Accesses with left-turns shall not be permitted within the operational area of a signalized intersection or roundabout. The operational area shall be considered to extend the full length of dedicated turn-lanes supporting the signalized intersection or roundabout.
 - c. Alignment: Where technically feasible, accesses must align with existing or planned median openings and/or accesses on the opposite side of the roadway.
 - d. Guarantee of Access: None of the requirements of this Section shall be applied in a manner that would prevent a property from access to at least one (1) public street. Where literal application of the requirements of this Section would preclude such condition, the Administrative Official shall make provision for such access in a manner most consistent with the requirement of this Section, as possible.
2. Major Arterials:
- a. Distance between connections: Driveways shall be placed at least two hundred fifty (250) feet from other driveways or intersection, as measured from curb return to curb return.
 - b. Distance to property line: No driveway may be placed within one hundred twenty-five (125) feet of a property line adjoining another property, unless placed at the property line and subject to a joint access agreement.
 - c. Joint access requirements: Properties with less than three hundred (300) feet of street frontage along a major arterial shall be required to have joint access with an adjoining property.
 - d. Limitations: Properties abutting two (2) public streets or a public street and an access easement shall derive access from the public street of lower classification or access easement, unless the property has at least two hundred fifty (250) feet or more of street frontage along the major arterial.
3. Minor Arterials/Collectors:
- A. Distance between connections: Driveways shall be placed at least one hundred (100) feet from other driveways and at least one hundred fifty (150) feet from an intersection, as measured from curb return to curb return.
 - B. Distance to property line: No driveway may be placed within fifty feet (50) feet of a property line adjoining another property, unless placed at the property line and subject to a joint access agreement.
 - C. Joint access requirements: Properties with less than two hundred forty (240) feet of street frontage along a minor arterial/collector shall be required to have joint access with an adjoining property.
 - D. Limitations: Properties abutting two (2) public streets or a public street and an access easement shall derive access from the public street of lower

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classification or access easement, unless the property has at least two hundred (200) feet or more of street frontage along the minor arterial/collector.

C. Joint Access

Where joint access is required, the following shall apply:

1. An access easement shall be required for the joint access. The access easement shall be drafted in a manner to allow access to the adjoining property intended to be served by the joint access. Such easement shall be reflected on the plat for the property or may be filed separately with the Faulkner County Clerk.
2. The joint access shall be placed on the shared property line with the adjoining property. If such arrangement is infeasible, the joint access shall be as close to the adjoining property as is technically feasible.

D. Cross Access

1. All off-street parking lots, excluding those for residential use, shall be required to have at least one (1) vehicular connection to all adjacent properties except where topography/grading makes such connection infeasible.
2. Cross access shall be achieved by making a stub out to adjacent undeveloped property, connecting to an already developed adjacent property with no stub outs, or connecting to an existing stub out from an adjacent property.
3. Stub outs shall be at least twenty (20) feet in width and be designed in a manner to make it apparent that the stub out is intended to be used as a drive aisle.
4. An access easement shall be required for the cross access. The access easement shall be drafted in a manner to allow access to the adjoining property intended to be served by the cross access. Such easement shall be reflected on the plat for the property or may be filed separately with the Faulkner County Clerk.

SECTION 908 – OFF-STREET LOADING

Adequate off-street loading areas shall be provided for all uses where material or merchandise is received or delivered by a commercial vehicle. Off-street loading shall be designed and arranged in a manner to not require use of an adjacent public street or publicly accessible fire apparatus road for loading or impede the circulation of traffic on the site.



City of Conway, Arkansas
Ordinance No. O-25-89

AN ORDINANCE AMENDING THE CONWAY ZONING CODE O-94-54, AS AMENDED FOR THE PURPOSES OF CLARIFYING SITE DEVELOPMENT REVIEW SCOPE, PROCESS AND FEE SCHEDULE; PROVIDING FLEXIBILITY AND DIVERSITY IN BUILDING MATERIAL REQUIREMENTS; SIMPLIFY LANGUAGE; AND FOR OTHER PURPOSES:

Whereas, it is desirable to provide flexibility, efficiency and transparency for projects undergoing Site Development Review;

Whereas, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of the City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

Whereas, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on **October 20, 2025**, and adopted the prepared amendments.

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

SECTION 1: That these amendments to the Conway Zoning Code are hereby adopted by reference, and included as exhibit "A" to this ordinance, as Article X of O-94-54, as amended and also known as the Conway Zoning Code.

SECTION 2: All ordinances in conflict herewith are repealed to the extent of the conflict. The Planning and Development Director shall be empowered to recodify the Zoning Code as necessary to update the code with the amendments.

PASSED this 25th day of November, 2025.

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer

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ARTICLE X. DEVELOPMENT REVIEW

SECTION 1001 – PURPOSE

The purpose of the Development Review process in the City of Conway is:

- A. To preserve and enhance the general quality of life of the residents and visitors of the City of Conway,
- B. To take those steps necessary to allow, where desirable, the responsible, productive, and harmonious existence of varying land uses in close proximity to one another,
- C. To maintain and enhance the capabilities of vehicle, cyclist, and pedestrian traffic on avenues adjacent to or serving the site by providing appropriate and adequate access to adjoining properties,
- D. To ensure developments occur in a manner that protects the health, safety, and welfare of the public,
- E. To make certain developments are built in a way that is consistent with municipally adopted plans,
- F. To ensure developments comply with the provisions of the Conway Zoning Code, Conway Subdivision Regulations, and other applicable federal, state, and municipal regulations.

SECTION 1002 – SCOPE

1002.1 – APPLICATION OF REGULATIONS

Development Review shall apply to any of the following forms of development:

- A. Construction of one (1) or more main buildings on a lot,
- B. The addition of or a change to the vehicular access to or within a site,
- C. Any addition/expansion of pervious or impervious surfaces as well as gravel areas on a site,
- D. Any addition/expansion of an existing main building,
- E. The addition of an accessory structure over one hundred (100) square feet on a site where Development Review is otherwise applicable,
- F. The conversion of a main building intended for residential use to a nonresidential use.
- G. The conversion of a main building from one Occupancy Group to another Occupancy Group, as designated in the Arkansas Fire Prevention Code, Volume II – Building. Such conversion only applies when the change in Occupancy Group necessitates changes to the site outside the building.

1002.2 – EXEMPTIONS

The following forms of development shall be exempt from the requirements of Development Review:

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- A. Construction, addition, or alteration of one single-family or two-family dwelling for residential use on a single lot,
- B. Construction, addition, or alteration of an Accessory Dwelling Unit,
- C. Construction of an accessory structure associated with a residential use,
- D. Construction of an accessory structure less than one hundred (100) square feet in size associated with any use.

1002.3 – SMALL-SCALE AND LARGE-SCALE DEVELOPMENT

Developments shall either be considered a small-scale development (SSD) or a large-scale development (LSD). Development shall be considered large-scale development unless meeting any of the following criteria for small-scale development, as applicable:

- A. Construction of a main building less than one thousand (1,000) square feet in size on a site with a site disturbance of less than one-half (1/2) acre in area.
- B. Site improvements or alterations that result in a site disturbance of less than one-half (1/2) acre in area.
- C. Main building additions/expansions less than seven hundred fifty (750) square feet or less than fifteen percent (15%) of the size of the existing main building, which are on a site with a site disturbance of less than one-half (1/2) acre in area.

Site disturbance shall mean any type of soil disturbance due to any site improvements.

1002.4 – SCOPE OF COMPLIANCE

The following shall govern the applicability of requirements related to Development Review Applications. The table indicates either full compliance or partial compliance with the relevant portion of this Code and others. Full compliance shall mean the application must meet all requirements. Partial compliance shall mean only those portions of the development which are new improvements or otherwise improved as a result of the application shall meet all requirements. If a code section or requirement is not referenced, it shall mean full compliance with the requirement is required unless other provisions apply.

Note: Any Development Review Application which qualifies as an SSD shall not require drainage detention/retention. In situations which not covered by the table below, a determination of required compliance will be made by the Administrative Official.

Development Type	Requirement F = Full Compliance, P = Partial Compliance, N = Not Required, R = Required							
	Article 9 Parking	§1004.2 Building	§1004.3 Mech. Screening	§1004.4 Trash	§1004.5 Land-scaping	§1004.7 Lighting	§1004.9 Sidewalks	Storm Water
New Construction	FC	FC	FC	FC	FC	FC	R	FC

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Development Type	Requirement F = Full Compliance, P = Partial Compliance, N = Not Required, R = Required							
	Article 9 Parking	§1004.2 Building	§1004.3 Mech. Screening	§1004.4 Trash	§1004.5 Land-scaping	§1004.7 Lighting	§1004.9 Sidewalks	Storm Water
Exp. up 30% of Existing Building	PC	PC	FC	FC	PC	PC	N	PC
Exp. 31-50% of Existing Building	PC	PC	FC	FC	FC	PC	N	FC
Expansion over 50% of Existing Building	FC	FC	FC	FC	FC	PC	R	FC
Interior Remodel	N	N	N	N	N	N	N	N
Exterior Remodel	N	PC	FC	N	N	PC	N	N
Conversion of Building from Residential to Non-residential Use	FC	PC	FC	FC	FC	FC	FC	FC
Change of Use w/out Change in Occupancy Group (AFPC)	N	N	N	N	N	N	N	N
Parking Addition up to 50% of Existing Parking	PC	N	N	FC	PC	PC	N	PC
Parking Addition >50% of Existing Parking	FC	N	N	FC	FC	FC	R	FC
Addition to/Change of Vehicular Access	N	N	N	N	PC	PC	N	N

SECTION 1003 – APPLICATION, REVIEW, AND APPROVAL

1003.1 – OVERVIEW

The following subsections detail the review procedures and process for Development Review. Review is generally conducted administratively by City and Conway Corporation staff across multiple

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departments. Review is conducted to determine compliance with all applicable regulations and plans. These include, but are not limited to, the Conway Zoning Code, Conway Subdivision Regulations, Conway Drainage Criteria Manual, Stormwater Management Ordinance, Master Transportation Plan, Comprehensive Plan, etc.

1003.2 – PREAPPLICATION CONFERENCE

Prior to submission of an application for Development Review, an applicant shall be required to meet with the Administrative Official to discuss their proposed development to solicit non-binding feedback on issues or concerns related to the proposed development.

1003.3 – APPLICATION

An application for Development Review may only be made by the property owner/authorized agent. The application shall be made by means provided by the City of Conway. No application shall be accepted and processed without all required materials and payment of fees. Fees shall be determined by a fee schedule adopted by the City Council. The Administrative Official shall develop and maintain an application checklist for all elements to be included with the required plans for an application. Such checklist, along with an application guide, shall be electronically published for public access.

The application shall include at least the following information:

Required Materials for Application X = Required, O = Required upon Determination of Administrative Official	SSD	LSD
Application Information	X	X
Cover Letter with Development Description	X	X
Property Owner/Authorized Agent Form	X	X
Required Fee	X	X
Copy of Filed Plat for Property (unless concurrent subdivision application is filed for review)	X	X
Dimensioned Site Plan	X	X
Grading Plan	X	X
Drainage Plan	X	X
Drainage Calculations and Report		X
Stormwater Pollution Prevention Plan		X
Landscaping Plan	X	X
Grid Photometric Plot		X
Architectural Elevations	X	X
Utility Request Form	X	X
Traffic Impact Analysis (as required by the Administrative Official)	O	O
Supporting Documentation (as required by the Administrative Official)	O	O

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1003.4 – REVIEW PROCEDURE

The following procedure shall govern review of Development Review applications:

A. Completed Application

Within five (5) business days following the filing of a Development Review application, the Administrative Official shall conduct a completeness check of the application to determine if all required materials for an application have been submitted for acceptance, including the required fee. An application shall not be accepted and processed until all required application materials are submitted. If the Administrative Official determines the application is not completed, they shall provide written or electronic notice to the applicant indicating the documents or requirements necessary to complete the application.

B. Notice of Intent to Review

If the Administrative Official determines the Development Review application is complete, one of the following shall occur:

1. Local Fast-Track Review Process: If the applicant has opted out of application of the statutory review process, the Administrative Official shall commence review of the application.
2. Statutory Review Process: If applicant has not opted out of application of the statutory review process, the provisions of ACA § 14-1-504 through 506 shall apply instead of the provisions of Paragraph C and D of this subsection. The Administrative Official shall provide written or electronic notice to the applicant indicating the Administrative Official can provide review of the application within sixty (60) days. If the applicant does not respond or elect review made available under ACA § 14-1-504 within three (3) business days of the Administrative Official providing notice, review by the Administrative Official shall commence.

C. Administrative Review

1. Review Distribution: The Administrative Official shall distribute the Development Review application for review by the appropriate departments of the City of Conway and Conway Corporation. The Administrative Official shall develop and maintain a list of the departments responsible for review within the application guide.
2. Review Standards: Applications shall be reviewed for compliance with the provisions and standards of this Code, the Conway Subdivision Regulations, Conway Master Transportation Plan, Conway Comprehensive Plan, other adopted municipal plans, Arkansas Fire Prevention Code, all applicable City ordinances, adopted Conway Corporation standards, and generally accepted best practices of site development relating to the placement of buildings, landscaping, drainage, parking, vehicular access, and pedestrian access.
3. Review Period and Comments: The formal product of review shall be written comments produced by the Administrative Official, reviewing City departments, and Conway Corporation. Review shall be conducted and review comments provided to the applicant by written or electronic means by the Administrative Official within fifteen (15) business days of the acceptance of a completed application.

D. Applicant Resubmission

1. Following receipt of review comments, the applicant shall address the review comments or withdraw the application. Upon addressing the review comments, the applicant shall resubmit to the Administrative Official the necessary materials to correct the deficiencies in the application by means made available by the City of Conway. If no resubmission is received by the Administrative

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Official within ninety (90) days of the written or electronic notice of review comments, the application shall be considered withdrawn and automatically denied.

2. The applicant may request an extension of review by written or electronic means before the ninety (90) day resubmission period ends. Such request shall indicate the length of the extension period requested by the applicant, which shall not exceed an additional ninety (90) days. Only one (1) such extension may be granted to the applicant for the Development Review application.
3. Upon resubmission, the Administrative Official shall review the application in accordance with Paragraph C of this subsection.

1003.5 – APPROVAL

The following shall govern approval of Development Review applications.

A. Finding of Approval

A Development Review application shall not be approved unless the following have been determined by the approving authority:

1. The Development Review application conforms to all applicable adopted plans, regulations, ordinances, and standards.
2. The Development Review application conforms to the provision of this Code.
3. The Development Review application will not result in off-site improvement costs to the City unless confirmed by written agreement between the City and the developer.
4. All utilities or proposed utility improvements are adequate to handle the demand to be created by the Development Review application.

B. Approval

The Administrative Official shall have authority to approve Development Review applications. Approval may only be granted upon the Administrative Official making a finding of approval, after all review comments have been adequately addressed, and any requested waivers have been addressed.

C. Denial and Appeal

1. Denial: The Administrative Official shall deny any application for which a finding of approval cannot be made. Within fifteen (15) days of denial, the Administrative Official shall provide written or electronic notice to the applicant stating the reasons for denial of the application.
2. Appeal: The applicant may appeal the denial of a Development Review application by the Administrative Official within thirty (30) days of written or electronic notice being issued by the Administrative Official. Application shall be made in the manner provided in § 703.1. Appeal shall be made to the City Council and shall be heard by the City Council within sixty (60) days of the appeal application being filed. The Administrative Official shall prepare a written report detailing why a denial decision was made. The written report shall be provided to the applicant at least seven (7) days prior to the appeal being heard by the City Council. The City Council shall not reverse a decision of denial by the Administrative Official unless a finding of approval can be made in accordance with Paragraph A of this subsection. Action by the City Council shall be considered final and shall only be appealable to a court of appropriate jurisdiction.

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1003.6 – EFFECT OF APPROVAL AND PERMITTING

A. Effect of Approval

Approval of a Development Review application shall not be effective until execution of the Certificate of Development Review Approval by the Administrative Official. Such action shall have the effect of allowing the applicant to commence construction of site improvements for the development and seek building permits for the construction of buildings on the site.

1. A building permit application shall not be accepted on a site subject to Development Review unless authorized by the Administrative Official on a finding that the proposed building elevations meet the requirements of § 1004.2 and the location of the building(s) on the site are not likely to change based upon the current status of review of the Development Review application.
2. No building permit shall be issued for any building on a site subject to Development Review prior to approval of a Development Review application.

3. Certificate of Development Review Approval

Under the authority of the Conway Zoning Code, this development has been given approval by the City of Conway, Arkansas. This document is hereby accepted and this certificate executed under the authority of such regulations by the Administrative Official.

Date of execution: _____

Conditions of Approval: _____

Administrative Official Approval: _____

Director of Planning and Development

B. Expiration of Approval

Approval of a Development Review application shall expire two (2) years from the date of execution of a Certificate of Development Review Approval by the Administrative Official. Building permits must be obtained prior to expiration of approval and the development must be completed within two (2) years after building permits are obtained. The applicant may request in writing or electronically an extension of approval for the Development Review application from the Administrative Official. The Administrative Official may extend approval of a Development Review application for up to two (2) years from the original date of expiration.

C. Post Approval Changes

Changes to an approved Development Review application shall require resubmission of those plans affected by the proposed changes. Review shall be conducted in a manner consistent with § 1003.4. The Administrative Official shall determine, based upon the scope of proposed changes, which departments of the City of Conway and Conway Corporation are required to review the changes. Post approval change reviews shall be subject to a nonrefundable fee as indicated in the Schedule of Fees adopted by the City Council. The fee shall be at least two hundred fifty (\$250) dollars.

D. Project Completion

1. Development on a site subject to Development Review shall be completed in a manner consistent with and following the approved Development Review application.

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2. Prior to issuance of a Certificate of Completion or a Certificate of Occupancy for improvements on the site, the development shall be inspected by the departments of the City of Conway and Conway Corporation which reviewed the approved Development Review application.
3. No Certificate of Completion or Certificate of Occupancy shall be granted for improvements associated with a development that has not been completed in a manner consistent with and following the approved Development Review application.
4. The Administrative Official may permit the issuance of a Temporary Certificate of Completion or a Temporary Certificate of Occupancy, valid for thirty (30) days, for a site where substantial completion of improvements has occurred; no hazard will be posed to the health, safety, and welfare of the public visiting the site before completion; and where it is reasonable to expect improvements can be completed within thirty (30) days from issuance of the Temporary Certificate of Completion or Temporary Certificate of Occupancy.
5. No Temporary Certificate of Completion or Temporary Certificate of Occupancy may be renewed more than ninety (90) days for an individual development except when issued for delays in the completion of landscaping when outside of a planting season. Failure to complete required improvements within this time frame shall be considered a violation of this code, and result in enforcement action in accordance with § 804.
6. A Temporary Certificate of Completion or a Temporary Certificate of Occupancy may be issued for a portion of a development that is functionally complete and meets all requirements. A Temporary Certificate of Completion or a Temporary Certificate of Occupancy may be extended to other portions of the development as they become functionally complete and meet all requirements. (Example: A multi-building apartment complex may operate under a single Temporary Certificate of Completion or a single Temporary Certificate of Occupancy.) Such Temporary Certificate of Completion or Temporary Certificate of Occupancy shall be renewed monthly through payment of all applicable fees according to the current fee schedule and may be allowed to be in effect for a period no greater than twelve (12) months.

SECTION 1004 – DEVELOPMENT STANDARDS

The following standards shall apply to all sites subject to Development Review:

1004.1 – SITE CHARACTERISTICS AND GENERAL REQUIREMENTS

- A. The development should conform to the extent appropriate to the natural topography of the site. Site clearing shall be kept to the minimum required for the construction of and/or improvements to the site, taking into consideration the need for vehicle, cyclist, and pedestrian safety as well as the need for light and air.
- B. Grading of developments, including hillside excavation, shall adhere to all standards of the Conway Stormwater Management Ordinance.

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- C. Projects adjacent to parks, plazas, and other public outdoor amenities should be oriented toward those areas.
- D. Drainage improvements shall meet all requirements of the Conway Drainage Criteria Manual and the Conway Stormwater Management Ordinance.
- E. Natural vegetation should be retained to supplement the required landscaping to the extent required, possible, and reasonable.
- F. The site should be of such a character so that it can be used safely for the construction and occupation of the proposed development and not create any conditions which would involve danger to health, safety, and welfare.
- G. While construction of and/or improvements to the site are in process, noise levels at property boundaries should not exceed the given site's ambient levels except for reasonably short periods of time. Furthermore, the Administrative Official may prescribe specific routes for the ingress and egress of dump trucks, haulers, and other pieces of construction equipment which may otherwise create an adverse impact to the traffic flow along adjacent corridors.

1004.2 – STANDARDS FOR BUILDING DESIGN

The following standards shall apply to all buildings on sites subject to Development Review, excluding those sites which are located within an industrial zoning district and buildings intended for a defined industrial use in a commercial zoning district located within a development largely intended for industrial uses.

A. Façade Types

- 1. Primary Façade: Primary Façade is a building façade which contains a primary building entrance intended for public access and which has a frontage to a public street or publicly accessible fire apparatus lane, including internal streets for a multiple building site.
- 2. Secondary Façade: Secondary Façade is a building façade that does not contain a building entrance intended for public access, but which has a frontage to a public street or publicly accessible fire apparatus lane, including internal streets for a multiple building site. Such façades additionally may include any area that, by internal access, is meant to be accessed by the public such a drive-through lane or stacking area for the same.
- 3. Rear Façade: Rear Façade is any façade that is not intended to be accessed by the public or visible to adjacent property by means of screening or buffering.

B. Facade Characteristics

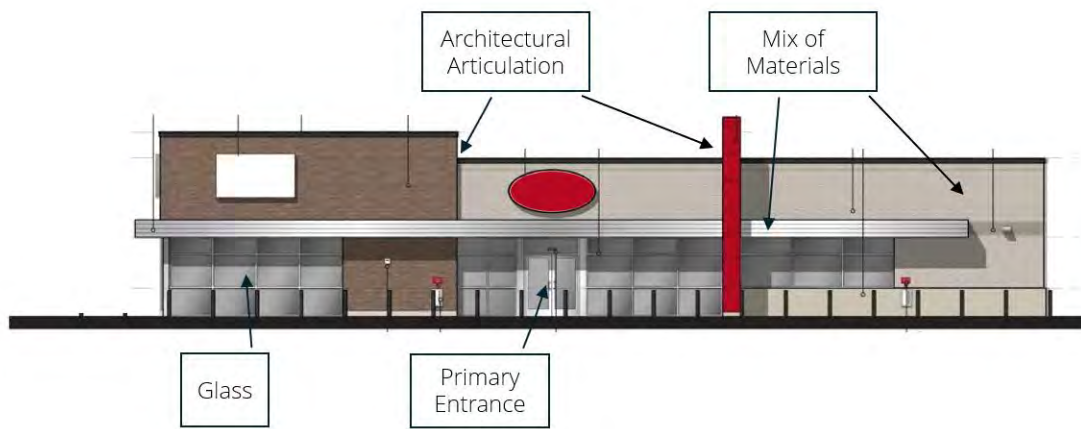
Buildings shall avoid long uninterrupted façade planes and/or blank walls.

- 1. Each building shall designate at least one (1) primary façade.

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2. Primary building entrances shall not consist solely of an opening in a flat vertical plane but shall be recessed or extended and may be considered an offset to meet or contribute to the architectural articulation requirement.
3. Architectural articulation by way of breaks in the façade plane of building shall be required for primary and secondary façades. Architectural elements must create a noticeable differentiation in depth through recesses, projections, or step-backs of at least one (1) foot. Additionally, the façade must be differentiated through changes to the design of entryways, changes to the roofline, and through the use of differing exterior finish materials and colors.

Building Size	Maximum Uninterrupted Façade Length
20,000 square feet or less	35'
20,001 to 49,999 square feet	50'
50,000 square feet or greater	100'



C. Design Standards

1. Orientation:
 - a. The building façade containing the primary building entrance shall be oriented toward the street of highest classification or principal public realm.
 - b. If this orientation is not practicable, the building façade containing the primary building entrance shall be oriented toward the principal entrance of the development in which it is located.
2. Exterior Building Materials: Exterior building finish materials are categorized into quality classes based on durability, appearance, and sustainability.

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- a. Class 1 materials are considered “very high-quality”;
 - b. Class 2 materials are considered “high-quality”;
 - c. Class 3 materials are considered “standard quality”; and
 - d. Class 4 materials are considered “limited use” and should be reserved for trim elements and minor accents.
3. Exterior Building Material Requirements
- a. Primary Façade:
 - 1) At least fifty percent (50%) Class 1 materials, with at least fifteen percent (15%) being glass (windows and doors), and
 - 2) At least twenty percent (20%) Class 2 materials unless Class 1 materials comprise at least sixty percent (60%) of the façade, and
 - 3) Up to thirty percent (30%) Class 3 materials, and
 - 4) Up to ten percent (10%) Class 4 materials.
 - b. Secondary Façade:
 - 1) At least thirty percent (30%) Class 1 materials with at least fifteen percent (15%) being glass (windows and doors), and
 - 2) At least thirty percent (30%) Class 2 materials unless Class 1 materials comprise at least fifty percent (50%) of the façade, and
 - 3) Up to thirty percent (30%) Class 3 materials, and
 - 4) Up to ten percent (10%) Class 4 materials.
 - c. Rear Façade:
 - 1) At least twenty percent (20%) Class 1 or Class 2 materials, and
 - 2) Up to eighty percent (80%) Class 3 or 4 materials.

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4. Exterior Building Materials Table by Material Class.

Material Group	Class 1	Class 2	Class 3	Class 4	Definition
Masonry and Stone Group					
Brick, fired clay	✓				Fired clay or synthetic brick, full-veneer masonry wall system, having an approximate typical unit depth greater than 3"

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Material Group	Class 1	Class 2	Class 3	Class 4	Definition
Brick, thin (fired clay or synthetic); brick panel (fired clay or synthetic)		✓			Thin veneer (fired clay or synthetic) bricks adhered to a wall surface or wall anchoring system, with the appearance of full brick and having an approximate typical unit depth less than 3"; prefabricated panels of thin (fired clay or synthetic) brick adhered to a wall surface or wall anchoring system
Stone, natural or synthetic	✓				Genuine or synthetic stone, adhered to wall surface or wall anchoring system
Stone panel, natural or synthetic		✓			Prefabricated panels of genuine or synthetic stone adhered to wall surface or wall anchoring system
Stucco, genuine	✓				Traditional Portland cement-based stucco applied in 3 coats over a solid surface
Concrete Masonry Units Group	Class 1	Class 2	Class 3	Class 4	Definition
Burnished/ground-face, patterned, or shaped block	✓				Concrete modular blocks, smooth finish with large aggregates visible or polished finish and with mortared joints or where face surface has a pattern or shape, not flat and with mortared joints
Split-faced block			✓		Concrete modular blocks, rough, split-faced finish, and with mortared joints
Plain, flat-faced block (painted)				✓	Concrete modular blocks, plain, flat finish, and with mortared joints
Metal Group	Class 1	Class 2	Class 3	Class 4	Definition
Architectural quality, composite metal wall panel systems	✓				High-quality insulated metal panels for decorative surface application, such as <i>Alucobond</i> ® panel systems
Architectural quality metal wall panel systems, concealed fastening	✓				High-quality metal panels for decorative surface application with concealed fasteners, such as <i>Elevate (formerly Firestone) Delta</i>
Architectural quality metal wall panel systems, exposed fastening			✓		High-quality metal panels for decorative surface application with exposed fasteners, such as <i>Elevate (formerly Firestone) Omega</i>
Metal (panels, siding, and trim)				✓	Standard metal siding and panels, painted or coated for exterior application
Glass Group	Class 1	Class 2	Class 3	Class 4	Definition

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Material Group	Class 1	Class 2	Class 3	Class 4	Definition
Clear glass (windows, curtain walls, paneling systems)	✓				Clear glass with no visible tint, reflective coating, coloring, or other covering (not including low-e or UV coatings or treatments)
Glass Block	✓				Hollow translucent block of varying shapes and sizes made entirely from glass; also known as glass brick.
Spandrel glass		✓			Opaque glass panels with a fire-fused ceramic frit paint; typically used between vision areas of windows to conceal structural columns, floors and shear walls
Opaque or tinted glass			✓		Glass with a tinted or colored coating or finish or otherwise treated to produce a tint that reduces its opacity.
Mirrored glass				✓	Glass with a reflective or mirrored coating or finish
Other Materials Group	Class 1	Class 2	Class 3	Class 4	Definition
Wood (panels and siding)	✓				Authentic hardwood or exterior rated, rot-resistant wood paneling and siding
Fiber cement board (siding)	✓				Cement panels reinforced with cellulose fibers, such as <i>Hardie® Plank</i> and <i>Nichia® Nichiboard</i>
Exterior insulation and finish system (EIFS)				✓	Polystyrene foam covered with a synthetic stucco, water-managed and exterior rated. May only be used for fascia and soffits on first/ground level applications; may not be used for areas intended for signage installation on any level.
Composite wood (panels, siding, and trim)		✓			Composite or other synthetic wood types, such as LP® SmartSide®
Vinyl and PVC (panels, siding)				✓	Exterior siding that is made from a synthetic resin or plastic
Ceramic			✓		Ceramic tile adhered to a wall surface or wall anchoring system
Translucent wall panel systems			✓		Panels or blocks, typically hollow, made of translucent polycarbonate material – such as Kalwall®
Fabric					(not permitted)

- The Administrative Official shall have the authority to interpret the definition of each exterior building material grouping to determine if a specific material meets the criteria for a material grouping. An applicant shall provide any necessary information such as product sample or product technical to aid in the decision making of the Administrative Official.

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6. The Administrative Official may allow usage of an exterior building material grouping not listed in § 1004.2.C.4 which cannot be determined to be substantially similar to a listed material grouping. Such allowance may only be made for an individual Development Review application upon a written determination of the quality of the material based upon its durability, appearance, and architectural style, being of similar quality and character as other material groupings within the determined class.

1004.3 – MECHANICAL AND UTILITY EQUIPMENT

- A. All mechanical and utility equipment located on the wall, roof, and/or on the ground shall be screened from view when visible from the public realm or residential zoning district or uses.
- B. All roof-mounted utilities and mechanical equipment shall be screened on all sides by incorporating opaque screening into the structure utilizing materials compatible with the supporting building. Such screening shall be at least equal to the height of the equipment being screened.

1004.4 – TRASH, REFUSE, AND RECYCLABLE MATERIAL STORAGE

- A. Dumpsters and refuse storage areas shall be placed to the side or rear of the main building and located away from the entrance of the site/development access and shall avoid placement near buildings for residential use on adjacent property.
- B. Dumpsters and refuse storage areas shall be enclosed and/or screened.
- C. Developments shall include either a trash container room or dumpster enclosure constructed and approved according to the current standards of City of Conway Sanitation Department.
 1. Enclosure walls on three (3) sides at a minimum of six (6) feet in height and a gate or gates, substantial enough to fully screen the containers within, shall be required.
 2. The entire enclosure shall be constructed of Class I materials matching the Class I materials used on the primary structure.
 3. Dumpster enclosures shall be located so as to allow ease of access for collection vehicles. No parking or other obstruction shall be permitted in the access area for enclosures. With the exception of alleys, dumpster enclosures shall be located so as to prevent trash collection trucks from blocking traffic while servicing them.
- D. Trash container rooms and dumpster enclosures may be shared upon evidence of the abutters' agreement to do so. Property owners must enter into a Shared Sanitation Service Agreement, whereupon each party identifies requirements and maintenance responsibilities.

1004.5 – LANDSCAPING

- A. Goals
The goals of these landscaping requirements are:
 1. To enhance the visual appearance of the City,

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2. To provide compatible transitions between different land use types and/or densities,
3. Facilitate safe movement of all forms of traffic,
4. Break up large areas of impervious surface, and provide shade,
5. Assure appropriate barriers to and relief from traffic, noise, heat, glare, and odor,
6. Improve air quality, and
7. Promote energy efficiency and conservation in site design, building construction, and landscaping.

B. General Requirements

1. These requirements shall apply in all zoning districts except C-1.
2. All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped.
3. Landscaping shall be provided which is sufficient to provide soil stability and adequate drainage.
 - a. Trees, shrubs, groundcover, and grass shall be placed and/or retained in such a manner as to reduce runoff and/or erosion.
 - b. Graded areas shall be re-vegetated to ensure erosion control by seeding, mulching, and fertilizing. Disturbed areas shall be planted with suitable plant materials.
 - c. Soil stabilization measures shall be provided on steep slopes while ground cover is being established.
4. The current property owner shall properly maintain all required landscaping.
 - a. The property owner shall be responsible for maintaining all landscaping within the boundaries of the site so as to present a healthy, neat, and orderly appearance.
 - b. Any unhealthy or dead plant material shall be replaced in accordance with the approved landscaping plan within three (3) months of the plant material dying or becoming unhealthy.
5. Native and naturalized species should be used, when possible, in order to minimize watering.
6. Conway Corporation shall be provided the opportunity to review all landscape plans for the purposes of verifying utility conflicts.

C. Preservation

1. Where possible and reasonable, existing mature, "significant" trees, rock outcroppings, and riparian corridors should be preserved and incorporated into landscape plans.

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2. Where healthy plant material exists on the site prior to development and the provision is made to preserve and incorporate that plant material on a permanent basis, then credit may be given against all pertinent city landscaping requirements, and its preservation verified at final inspection of the project.

D. Site Perimeter Landscaping Requirements

The perimeter of a site shall be landscaped to provide a buffer for adjacent uses as well as an attractive view from the street. This area shall be required along the full length of all property lines. No parking or paving shall be permitted within this landscape buffer except for sidewalks and driveways. Any driveways must cross the buffer at a generally perpendicular angle.

1. Street Frontages

- a. A ten (10) foot landscape buffer shall be provided along all property lines abutting any public or private street, exclusive of right-of-way.
- b. Trees shall be planted at the ratio of no less than one (1) canopy tree for every thirty (30) feet of property line abutting any street. In the event overhead obstructions exist which would prohibit the use of canopy trees, understory trees shall be required at a rate of one (1) tree every fifteen (15) feet.

2. Interior Lot of Property Lines

- a. A perimeter landscape strip at least six (6) feet in width shall be provided along all property lines adjoining nonresidential zoning districts or uses. This provision is waived where neighboring structures adjoin, such as with strip centers.
- b. A perimeter landscape strip at least twenty (20) feet in width shall be provided along all property lines adjoining any residential zoning district or use, except where a multi-family development abuts another multi-family development.
- c. There shall be at least one (1) canopy tree every thirty (30) feet, one (1) decorative tree every fifteen (15) feet, or one (1) shrub every six (6) feet along all boundaries of the site which do not abut streets. Up to twenty-five percent (25%) of these plantings may be grouped, where desired.
- d. Existing vegetation which meets, in whole or in part, the purposes of perimeter landscaping described above, may be applied toward these requirements.

E. Parking Lot Landscaping and Screening

1. Service, loading, and storage areas not visible from an area of public access or an adjacent residential zoning district or use shall be exempt from the requirements.
2. Trees shall be planted within the paved parking area so that each parking space is no more than sixty (60) feet from the nearest tree. Perimeter trees may be used to satisfy this requirement.

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3. In parking lots with twenty-four (24) spaces or more, no more than twelve (12) continuous parking spaces are permitted without a landscape island so as to provide a ratio of no less than one (1) tree for each twelve (12) spaces throughout the lot.
4. All parking lots shall meet the following requirements:
 - a. A landscape island shall be provided at the end of each parking lot aisle.
 - b. Each island shall contain at least one (1) tree. Each tree shall be maintained to provide a minimum clearance of eight (8) feet at the lowest limb.
 - c. All islands shall be a minimum of one-hundred-and-fifty (150) square feet of unobstructed landscape area.
 - d. All islands shall be sodded, seeded, mulched, or xeriscaped with landscaping quality rocks and stones.
 - e. All islands shall have a minimum unobstructed width of eight (8) feet.
 - f. All islands shall be protected by a six (6) inch concrete curb unless Low Impact Development (LID) design elements/strategies are implemented.
5. In addition to the above, parking lots with two-hundred (200) or more parking spaces shall be divided by landscape "buffer" areas to prevent large expanses of asphalt.
 - a. With the exception of driveways, which may cross them, these areas shall extend the width or depth of the parking lot.
 - b. This buffer shall be a minimum of twelve (12) feet wide, and include a pedestrian walkway of no less width than six (6) feet bisecting it.
 - c. A typical screening measure, such as a hedgerow or trees, should be instituted along both sides of the walkway to provide a buffer to pedestrians. Screening vegetation must be a minimum of three (3) feet tall and no more than twenty-four (24) inches apart on center or the diameter of the specific cultivar.
6. All parking lots shall be screened. Screening measures shall be instituted in accordance with the standards below, exclusive of access driveways and sidewalks:
 - a. Where shrubs are used, they shall be evergreen in nature, be at least thirty (30) inches tall at the time of planting, have a mature height of at least three (3) feet, and be spaced no more than twenty-four (24) inches apart on center or the diameter of the specific cultivar.
 - b. Where fences or walls are used, they shall be continuous and solid in nature, at least three (3) feet in height, no more than four (4) feet in height, and be constructed of brick, stone, split-faced block, or other approved material approved by the Administrative Official.
 - c. When located within/adjacent to a residential zoning district intended for predominantly single-family or two-family dwellings or adjacent single-family or two-family dwellings, an

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opaque wood privacy fence at least six (6) feet and no more than eight (8) feet in height shall be required along all interior side and rear property lines unless an undisturbed vegetated buffer of at least fifty (50) feet exists.

1004.6 – FENCES

A. Razor and/or barbed wire

Razor and/or barbed wire fences are prohibited if visible from public right-of-way or a residential zoning district or use, except barbed wire used for agricultural purposes. Use shall require screening in such instances, unless located within an industrial zoning district or where a demonstrated security concern necessitates barbed wire for industrial use in a commercial zoning district.

B. Chain Link

Chain link fencing shall not be closer to any adjacent street than any structure on the site. All chain link fencing shall be painted or coated in a non-obtrusive color, such as black or dark green, in order to diminish its visual impact.

C. In Front of Buildings

Any fencing or walls located between the primary structures and any public right-of-way, including those used as a retaining measure, may only be solid up to forty-eight (48) inches in height. Any fencing which exceeds forty-eight (48) inches in height shall not obstruct the view of the primary structure from the right of way. Such fencing shall not obstruct views for vehicular traffic at intersections and shall not be placed within an established clearview zone.

1004.7 – LIGHTING

Lighting and light under this section includes any temporary or permanent lighting equipment that is installed, located or used in such a manner with the intention to cause light rays to shine outdoors. This includes, but is not limited to, driveways, sidewalks and walkways, parking lots, structures, signs, and all sports and recreational lighting. All proposed exterior light sources shall be submitted with the Development Review application.

- A. Reasonable amounts of lighting shall be allowed and provided, as appropriate, at intersections, along walkways, at building entrances, between buildings, and in parking areas. Light levels at the property line shall not exceed 0.5 footcandles when adjacent to a non-residential zoning district or use, and 0.1 footcandles when adjacent to a residential zoning district or use, as measured five (5) feet above the ground.
- B. The maximum height of any light source (bulb), regardless of the method for mounting, shall not exceed twenty-five (25) feet. In developments over ten (10) acres in size, the maximum height of any fixture shall exceed forty (40) feet.
- C. No light shall be of such design, height, and/or intensity so as to produce glare or direct illumination across the property line, nor shall any light be of the same so as to create a nuisance or detract from the use and enjoyment of adjacent property. All light shall be directed downward or inward toward the property by choosing appropriate fixtures and properly aiming fixtures during installation.

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1. All fixtures shall be "Full Cut-Off" and/or fully shielded in design so that no light is visible above the lowest part of the fixture.
 2. No light source (lightbulb) should be directly visible from any point off of the property or any roadway.
- D. All proposed fixtures shall be shown on the landscape plan.

1004.8 – EXTERIOR SEATING AND EATING AND DRINKING ESTABLISHMENTS

- A. The seating must be entirely on privately owned or leased property and outside the public right-of-way. Any right-of-way encroachment must be approved by the Conway City Council.
- B. All outdoor seating shall be arranged in such a way so as to be safe under all conditions for pedestrian and vehicular traffic. It shall not inhibit the free circulation on public sidewalks or safe egress from buildings by maintaining a clear area of at least five (5) feet for pedestrian use.
- C. The property owner shall be responsible for maintaining the outdoor seating area in a clean, sanitary, and orderly manner.

1004.10 – SIDEWALKS

- A. Sidewalks shall be constructed as outlined by the Conway Subdivision Regulations and Conway Master Transportation Plan.
- B. Sidewalks shall be constructed on all streets public and private, regardless of classification, with the exception of alleys, for all projects requiring Development Review.
- C. No permanent open display shall be permitted on sidewalks or in public rights-of-way.

1004.11 – I-3 INTENSIVE INDUSTRIAL DISTRICT STANDARDS

These standards shall only apply to sites with frontage along an Interstate, Major Arterial, or Minor Arterial as designated within the Conway Master Transportation Plan.

Due to the nature of industrial development, the City of Conway realizes that architecture, landscaping densities, and overall site aesthetics are generally secondary to the utilitarian considerations of building size and function; access, storage and circulation requirements; and standard industrial district practices. However, the City does desire for industrial development to appear as of high quality and be as visually appealing as is reasonable, especially from the public realm. Therefore, the City will most closely review the "Image Zone" of all proposed developments within the I-3 Zoning District. Developers should strive to place considerable attention to this area.

All areas of an I-3 industrial project's "Image Zone" shall meet all standards required by this article for commercial, office, and multi-family development, especially with regards to landscaping.

For all areas of an I-3 project, the following general standards shall be met:

- A. Site Planning
Site layouts should be designed to provide aesthetically pleasing street scenes; controlled accesses with maneuver area for emergency vehicles; convenient visitor parking; well-screened

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outdoor storage, loading areas, equipment and service areas; and an emphasis on the primary entrance or office portion of the building.

1. Expansive paved areas located between the street and the building should be avoided in favor of multiple small lots separated by landscaping and buildings. Visitor and handicap parking shall be located adjacent to the primary building entrance while employee parking areas should be located at the side or rear of the building.
 2. Loading and storage areas shall be screened from view from the public realm and/or when adjacent to non-industrial property. Wherever possible, various screening methods should be incorporated into the site design to reduce the visual impact of these facilities.
 - a. orientation of the site;
 - b. portions of the building;
 - c. decorative screening walls or fencing;
 - d. landscaping.
 3. All industrial developments should attempt to provide outdoor plazas or enhanced site features at the building entries and/or in employee break areas. It is encouraged that plazas and break areas include:
 - a. tables, benches, or seat walls;
 - b. canopy trees, potted plants, trellises and other shade structures;
 - c. trash receptacles;
 - d. enhanced paving.
- B. Landscaping should be used to screen unsightly areas from public view. It is important to provide the majority of the landscaping where it provides the maximum public benefit. Landscaping throughout the project should be considered essential, and especially critical within the Image Zone, where it shall meet all other landscaping provisions of this Article.
1. Barbed wire and razor wire visible from the public realm or non-industrial property should never be used unless it is needed to solve a demonstrated security problem.
 2. All chain link fencing shall be painted or coated in a non-obtrusive color, such as black or dark green, in order to diminish its visual impact.

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C. Building Design

The guidelines for industrial development seek not to impose a particular architectural theme or style but to promote quality development that will be an asset to the City. Developers should strive to provide the most attention to aesthetics within the Image Zone of the project.

1. Primary entryways to buildings in the I-3 Intensive Industrial District should make every attempt to portray a quality office appearance through architectural treatments.
2. Encouraged elements:
 - a. variation of building façade planes, direction, materials, and color;
 - b. inclusion of architectural elements and details;
 - c. building entry accentuation;
 - d. pitched roofs where building size makes it feasible, and articulating parapet caps where not;
 - e. screening of equipment and storage areas, to include those which are rooftop-mounted; and
 - f. landscaping along the base of structures to soften an otherwise bulky appearance
3. Discouraged elements:
 - a. large, blank, flat surfaces;
 - b. metal siding which dominates a façade;
 - c. exposed, untreated concrete block walls (except split face);
 - d. loading doors facing the street;
 - e. exposed mechanical equipment;
 - f. highly reflective surfaces; and
 - g. trash enclosure doors facing the street or visible from street;
4. Front elevations and primary entries should express a high window-to-wall ratio. Window type, material, and proportion should complement the overall façade.
5. Warmer “earth tones” are preferred to white or other colors which appear obtrusive and reflect glare.

1004.12 – SPECIAL STANDARDS

This paragraph provides standards regarding the unique design characteristics of specialized development types. It is imperative to note that this paragraph is designed to be used in conjunction with all other provisions of this article. The Special Standards apply in addition to all other standards.

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A. Vehicle Dealerships and Automotive Repair Shops

Vehicle dealerships and automotive repair shops are intensive and dynamic uses characterized by constant, heavy automotive and pedestrian activity. Accordingly, great care should be taken when siting such facilities within a community so as to impose the minimum impact on surrounding uses.

1. Space for the unloading of cargo and vehicles from trucks shall be integrated into the overall design of the site.
2. Associated uses or activities that create excessive amounts of noise (car repair, exterior sound systems, cleaning, testing, etc.) should not be immediately adjacent to residential zoning district or uses.
3. Service areas associated with vehicle dealerships should be screened from public view and abutting properties through the use of efficient and attractive landscaping, fencing, and/or walls. Areas should be located at the back of the project when feasible.
4. Any on-site service or repair facilities should:
 - a. provide vehicle access to individual bays which is internal to the site (preferably the rear) and not directly from street frontage;
 - b. provide screening for such bays so as to not be visible from public right-of-ways;
 - c. provide a dedicated vehicle washing area; and
 - d. not be visible or audible to passing pedestrians from the street or adjacent residential zoning district or uses.
5. Public and business-related parking areas should be clearly delineated through dedicated signs, pavement markings, or other methods.
6. Specific site locations should be created for the storage of used oil and lubricants pending recycling.
7. All compressors should be located in the interior of the site or within buildings so as to minimize any audible impacts to adjacent properties.
8. Vehicle dealership landscaping
 - a. Trees shall be planted at the ratio of no less than one (1) canopy tree for every sixty (60) feet of property line abutting any street. In the event overhead obstructions exist which would prohibit the use of canopy trees, understory trees shall be required.
 - b. Trees shall be planted within parking lot landscape islands at a ratio of no less than one (1) canopy tree per twenty-four (24) parking spaces.
 - c. Any parking lot island required by § 1004.5.F.3. which does not include a canopy tree shall be densely planted with evergreen shrubs at a height of thirty (30) inches or greater.

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B. Automobile Service Stations

Automobile service stations are intensive uses characterized by large areas of paving which permit vehicles to freely maneuver. As a result, these locations have the potential to create significant adverse impact for adjoining streets and properties. These standards are intended to mitigate the potential impacts of service stations on adjoining areas.

1. A minimum twenty-four (24) foot drive shall be required between the canopy and main building or parking aisle adjacent to the building.
2. Canopies shall not exceed the height of the main building.
3. Canopies and canopy support columns shall complement the main building using techniques such as using similar parapet forms or using similar building materials on canopy support columns.
4. Drive-throughs on-site shall be located along the side or rear of the principal building with stacking for the drive-through placed at the rear of the principal building. This provision shall not apply to pick-up windows where ordering does not occur within the drive-through line.
5. All areas of the principal building directly adjacent to parking shall have at least five (5) foot sidewalk separating the building from the parking.

C. Airport Overlay District Zoning and Development Design Standards

1. Airport Layout Plan

The Airport Layout Plan shall serve as the master planning map for locations of buildings, structures, fueling, runways, aprons, taxiways, etc.

2. Land Uses

The land uses for the Airport shall complement and enhance the aviation aspect of the Cantrell Field. All non-aviation related activities are prohibited.

Special Exceptions

Special exceptions shall include any land uses outside of aviation activities allowed in an I-3 Intensive Industrial zone either by right or with a conditional use permit. These uses shall be approved on a case-by-case basis. All special exceptions shall conform to the laws and regulations of the City of Conway, FAA regulations, state and federal regulations. Adult entertainment facilities, regardless of type, are not eligible for a special exception. Proposed exceptions must be approved by the City of Conway. Special exceptions requiring a conditional use permit shall require review by the Planning Commission and approval of the City Council as stipulated in the Conway Zoning Ordinance.

3. Federal Aviation Administration Requirements

These minimum development standards apply to areas within the Airport boundary. Within the Airport, there are documented standards which are rigidly enforced by the FAA. No lighting, communication, emissions, building locations, or operational activities of any sort shall be permitted that would potentially interfere with the operation of the Airport, aircraft, or navigational aids. All airside and landside facilities shall be in full compliance with all dimensional criteria and standards set forth by the City of Conway and the FAA.

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4. Prohibited Nuisances and Hazards

No business, trade, activity, or operation, which shall be noxious, offensive, or illegal; or which shall be contrary to any regulations, including, without imitations, those of the Federal EPA, the State of Arkansas Department of Environmental Quality (ADEQ), or the City of Conway, or which shall cause an emission of dust, smoke, odors, fumes, radiation, noise, or vibrations, which may be or become a nuisance or an unreasonable annoyance to the occupants of any adjacent or neighboring site, shall be conducted. All on-site operations and activities shall be conducted with reasonable and appropriate precautions against radiation, fire, explosion, and other hazards.

No on-site operations or activities which require or involve the use, storage, generation, or disposal of "toxic wastes" or "hazardous materials," as defined in or under any federal, state, or local regulations, or as defined by the City of Conway, shall be allowed, other than in conformity with these regulations and as specifically approved by the City of Conway.

5. Lot Sizes

The minimum lot size shall be not less than that required for the building pad, required parking and all set-backs. The City of Conway may approve constrained parcels that do not meet the minimum criteria.

6. Building Location and Height

The location of all buildings, regardless of intended use, shall be consistent with the Airport Layout Plan, which may be amended from time to time by the City of Conway. No structures may exceed a height that would penetrate the imaginary surfaces shown on the Federal Aviation Regulations Part 77 drawing and the Airport Layout Plan. Height limitations on the entire Airport shall comply with FAA requirements for transitional surfaces and for line-of sight from the rotating beacon or Air Traffic Control Tower, if so equipped, to all runways, taxiways and aprons.

7. Building Orientation

For buildings contiguous with the Airport Operations Area (AOA) fence, a distinct entrance for airside and landside users shall be provided. Building footprints shall be presented on the site plan. Building on each site shall be oriented to minimize service docks, dumpsters, refuse collection areas, and stockpiles from public view.

8. Setbacks

All parking areas and buildings shall be set back from the airfield ramps, taxiways, and other areas used by aircraft, in compliance with standards established by the FAA or as required by the Airport Layout Plan and the City of Conway.

9. Outside Storage

All outside storage of equipment or other materials is prohibited.

10. Accessory Buildings and Temporary Structures

Accessory buildings (such as storage sheds) and temporary structures are prohibited.

11. General aviation aprons and taxi lanes

General Aviation aprons and taxi-lanes leading into aprons shall be in accordance with FAA AC 150/5300-13 (or current version), Airport Design. Lighting shall be in accordance with FAA AC 150/5340-30 (or current version). Signage and Marking shall comply with FAA AC 150/5340-1 and 150-5340-18 (or current version).

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- a. Pavement sections on all aprons and taxi lanes leading into aprons shall be designed to the same standards as the aprons.
- b. All aircraft pavements shall be designed and constructed using FAA approved materials and standards.
- c. Apron grades shall be consistent with minimum local drainage requirements, but shall be limited to a maximum grade of 1.0 percent to facilitate the towing and taxiing of aircraft.
- d. Apron grades shall be designed to direct drainage away from buildings.
- e. Stormwater inlets shall be installed within the pavement limits to facilitate the drainage to the stormwater management system only when and where necessary.
- f. The outer perimeter of the GA apron facing the airfield shall be equipped with edge lights. Taxilane edge lights shall be installed according to FAA specifications. All airfield lighting electrical installations or connections shall be coordinated with and must be approved by the City of Conway prior to installation.
- g. The apron shall be marked and striped in accordance with applicable FAA advisory circulars.
- h. Setbacks and clearances shall comply with those standards outlined in FAA AC 150/5300-13, Airport Design, for the aircraft types operating or anticipated to operate on the apron.
- i. Designated thoroughfares for fueling, maintenance, and other ground service vehicles shall be designed to minimize vehicular traffic conflicts with aircraft movements.

12. Vehicular Access

Vehicular movement to aircraft storage hangars shall be restricted from crossing any airport taxiways or runway. All aircraft storage hangars shall provide automobile parking that does not interfere with aircraft operations. Vehicle parking on ramp areas is expressly prohibited except for necessary service vehicles.

Buildings normally open to the public ensure that pedestrian and vehicular access is restricted to roads and parking lots.

All improvements or facilities sited on the landside/AOA interface shall have appropriate access to both the landside and the AOA. All customer facilities and accommodations for passengers and crew of transient aircraft must include a ramp or other convenient access for the disabled, and must include sanitary restrooms equipped for use by their guests or employees.

13. Utilities and Water/Sewer Facilities

All utilities shall be located underground and located in the right-of-way adjacent to the road. Each lot shall connect to the utilities and service pedestals or boxes located outside of the roadway sight lines. The area around the service pedestal or boxes shall be kept clear of permanent structures. Landscape irrigation, if installed, shall be designed in such a manner that water is not directly thrown or sprayed on the pedestals or boxes.

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Utility meters shall be installed where necessary, as required by utility companies. Temporary power poles are permissible while the primary structure is being constructed, but shall be removed prior to the time the Certificate of Occupancy (CO) is issued. Power poles shall not be placed within the roadway sight lines.

A plan indicating water and sewer facilities to be installed for the project will be provided to the City of Conway, along with the site plan for the project. This plan should conform to the requirements of City of Conway (water, sewer), and all applicable regulatory agencies.

14. Fuel Tanks

Fixed fuel storage systems shall contain safety fixtures and filtration systems that meet industry standards. The system shall have at least 10,000 gallons of above ground storage for each type of fuel to be provided. The storage system shall include adequate fuel spill prevention features and containment capabilities. A Fuel Spill Prevention Countermeasures and Control (SPCC) Plan must also be submitted to the City of Conway and the Arkansas Department of Environmental Quality for approval. Compliance with the City of Conway Building Code, NFPA, and ADA is required.

a. Tank Location

All fuel shall be stored in above-ground tanks approved by the City of Conway and located in a location in accordance with the FAA approved and Airport Layout Plan (ALP), with setbacks from buildings and roads as required by the NFPA. No underground storage facilities shall be permitted without express written approval from the City of Conway.

- i. Vehicular access and circulation around the fuel storage facilities shall not impact or impede existing Airport roads, and shall in no case require the use of dedicated airside pavements or facilities. Primary access roads to the site must be designed for heavy truck traffic.
- ii. Facility shall be fenced and signed to reduce the chance of unauthorized entry or tampering with the fuel system.
- iii. The fueling facility shall be marked in accordance with FAA AC 150/5230-4.

b. Fuel Storage Tank General Regulations

- i. Separate storage tanks and fuelers shall be provided for each grade of fuel distributed. Tanks and mechanical equipment must be labeled and color-coded per FAA requirements (AC 150/5230-4) to distinguish the different fuel grades. Dead man controls shall be provided for unloading fuel from the tanks into the refueling vehicles. Over-the-road tankers are prohibited from all airside areas.
- ii. Minimum storage tank size shall be 10,000 gallons each for aviation fuel and (Jet A and Avgas).
- iii. All above-ground tanks shall be installed in a concrete containment basin designed to capture any accidental spill of the contents of the fuel storage facility and/or delivery vehicle in accordance with all EPA, NFPA, and other federal, state, and local laws and regulations, as amended. Emergency fuel shutoff stations shall be located near the fuel tanks, and shall be accessible, well marked, and lit as per AC 150/5230-4.

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- iv. All surface drainage from the storage area and docking/loading area shall be captured in a closed drainage system and directed through a fuel spill and/or oil-water separator device approved by the ADEQ.
 - v. At a minimum, aboveground storage facilities shall be diked with an impervious retention basin capable of containing 110 percent of the capacity of the largest tank and shall be either double-lined or vaulted.
 - vi. Fuel storage equipment shall be provided with metering devices that maintain and produce accurate receipts of fuel dispensed from the facility and are calibrated and approved by the State of Arkansas Department of Agriculture, Division of Weights and Measures. Specifications for the metering equipment shall be submitted to the City of Conway for review and approval. Fueling equipment and procedures shall comply with all federal, state, and local laws and regulations as amended.
 - vii. Design and construction drawings and specifications shall be approved by the Airport Advisory Committee and ADEQ.
 - viii. Above-ground storage facilities shall conform to the requirements of NFPA 30, Flammable and Combustible Liquids Code, Florida Administrative Code-Chapter 62-761, and other applicable requirements for storage facilities.
- c. Fuel Tank Safety Regulations
- All fueling facilities shall conform to the highest standards of safety.
- i. Facility shall be posted with "Flammable—No Smoking" signs conforming to NFPA standards.
 - ii. Facility shall:
 - A) Contain no feature that would allow introduction of any foreign material into fuel.
 - B) Be free of materials, equipment, functions, and activities that would be ignition sources.
 - C) Be constructed in such a manner as to prevent the introduction of the product into

the wrong storage tank.
 - D) Be constructed with lightning protection in accordance with NFPA standards.
 - iii. Facility shall be equipped with protection for electrical equipment and wiring. This protection shall provide reasonable safeguards from heat, abrasion, or other impact that could cause failure of insulation, open spark, or other ignition source. See NFPA Standard 70, National Electrical Code.

EXHIBIT A

- iv. Grounding and bonding equipment shall provide that piping, filters, tanks, and electrical components are electrically bonded together and interconnected for adequate electrical ground.
- v. Twenty pound Class B fire extinguishers shall be readily available to the operator of fueling equipment, in conformance with NFPA standards.
- vi. All hoses, nozzles, filters, and connectors shall meet or exceed recommendations in FAA AC 150/5230- 4.
- vii. Distribution of fuel into aircraft shall be by self-fueling, stationary fueling systems or mobile pumping equipment (fuelers). Fueling with portable gas cans is permitted with a self-fueling permit, as issued by the City of Conway.

15. Hazardous Materials

The applicant shall submit a hazardous materials handling program, as necessary, indicating full disclosure of any hazardous materials that may be stored on-site. Standard storage, use and disposal procedures, emergency procedures and schedule of regular inspections and approvals necessary to comply with Airport standards, City of Conway, state and federal regulations.

16. Security

Development shall be designed, constructed, and separated in a manner that assists the City of Conway in controlling access from the landside to the airside. Security access points may be established by the City of Conway and shall be designated on the site plan submitted to the City of Conway. Lessee shall fully comply with all standards set forth by the Airport Security Plan, and any other regulations established or amended from time to time by the City of Conway.

Coordination with the City of Conway will be essential to assure that the latest and most up-to-date information is available during development and construction of airport facilities.

If the Leasehold is located in an area designated as a Security Identification Display Area (SIDA), which is accessible only to those persons displaying security media issued by the City of Conway, each person must wear and display the security media issued by the City of Conway at all times while within the SIDA. Lessee shall control the premises to prevent unauthorized access to the Air Operations Area (AOA) or SIDA. Lessee shall strictly comply with all applicable provisions of the Airport Master Security Plan. Should Lessee implement a security system, such security system must comply with the Airport's security specifications.

For facilities entirely or partially located within the AOA or SIDA, electrical wiring and security data conduits shall be provided by the City of Conway to operate security devices (gates, access controls, and cameras). Four (4), four-inch PVC conduits shall be provided where required: one for power, one for data, and two spare.

17. Antennas and Satellite Dishes

No antenna or satellite dish for transmissions or reception of television signals or any other form of electromagnetic radiation shall be erected, used, or maintained outside any building, whether attached to an improvement or otherwise, without the prior written approval of the City of Conway. Conway Corporation shall provide cable television and internet service.

18. Fire Suppression

EXHIBIT A

The building owner shall install fire detection devices within the premises and such devices shall be monitored to communicate the need for emergency response. The building owner shall also install a single-key fire department emergency access system, such as a KnoxBox®. The emergency access system is intended to ensure immediate building entry by firefighters without delay. All buildings, including aircraft hangars shall meet all applicable City of Conway and Arkansas state fire codes.

19. Aircraft Wash Racks

Aircraft wash racks shall be equipped with oil/water separators and oil catch tanks to prevent fuel oil, or other petroleum based products from being discharged into the stormwater or sanitary sewer system. Waste disposal and sanitary system plans shall be provided to the City of Conway.

All facilities shall obtain necessary permits and be in compliance with ADEQ regulations.

20. Variance Procedures

a. Structure and Design Variance

The City of Conway shall consider and may grant a variance to any covenant, restriction, or condition listed herein. Variance conditions must be documented to satisfaction of the City of Conway, including reasons why the property cannot conform to the aforementioned covenants, restrictions or conditions. Variance requests shall be submitted to and reviewed by the Airport Manager. The Airport Manager shall present the variance request to the Airport Advisory Committee. The Airport Advisory Committee shall then make a recommendation to the City Council. The City Council shall be the final approving body for any variance requests.

b. Land Use Variance

Any variance for land uses shall follow procedures as specified in Airport Zoning and Overlay District Design Standards 2. Land Uses

SECTION 1005 – TRAFFIC IMPACT ANALYSIS REQUIREMENTS

The Administrative Official may require a traffic impact analysis to study the traffic impacts of a proposed development, including recommendations for on-site and off-site improvements. The study shall be commissioned by the Administrative Official by a firm of his/her choosing with the cost reimbursed by the applicant. Where it is determined that off-site improvements are required to mitigate the impact of the development, impact fees shall be waived for the development unless separate agreement is made between the City of Conway and the applicant on the cost of such off-site improvements.

SECTION 1006 – WAIVERS

Specific site conditions and operational needs of particular uses may cause hardship in the direct application of the provisions of Development Review. As such, waivers may be granted to the standards contained in § 1004, excluding sidewalks and the provisions of § 1004.11.C. No waiver may be granted for an approval/procedural standard or provision of any requirement of this code outside of Article X.

1006.1 – WAIVER TYPES

Waivers shall be either a minor or major waiver.

A. Minor Waiver

EXHIBIT A

The waiver of a single numerical requirement by less than twenty percent (20%) shall be considered a minor waiver. More than one (1) minor waiver request made as part of a Development Review application shall be considered a major waiver request.

B. Major Waiver

The waiver of a numerical requirement by more than twenty percent (20%), the partial or full waiver of a non-numerical requirement, or multiple waiver requests on a Development Review application shall be considered a major waiver request.

1006.2 – REQUEST AND REVIEW PROCEDURE

A. Waiver Requests

Waiver requests shall be in writing at the time of filing a Development Review application or in writing as part of an applicant's resubmission as result of review comments. No waiver request may be granted unless such request is made in writing by the applicant with a written justification for the necessity of the waiver.

B. Waiver Review

A waiver request shall be reviewed by the Administrative Official as part of the Development Review procedure.

C. Finding of Approval

No waiver request shall be granted unless the following have been determined by the approving authority:

1. Cost is not the sole basis for the necessity of the request.
2. Conditions exist on the site which make application of the requirement impractical or infeasible due to topography, utility placement, unique property condition, unique operational condition of the use on the particular site, or similar issue.
3. Granting the waiver request will not result in a condition that defeats the purpose and intent of the provisions of Article X.

D. Approval

Waiver requests may be approved in the following manners:

1. Minor Waivers: The Administrative Official shall have the authority to approve a minor waiver request after making a written finding of approval. Approval shall be issued in writing by the Administrative Official to the applicant, and may be issued prior to or with approval of a Development Review application. Record of the waiver approval shall be included with the filed records of the Development Review application.
2. Major Waivers: The Administrative Official shall have the authority to provisionally grant a major waiver request after making a written finding of approval. The Administrative Official shall issue such provisional approval to the City Council by electronic means. Any member of the City Council shall have five (5) business days to request review of the major waiver before the City Council. If no member of the City Council requests review, the major waiver request shall be considered approved.

EXHIBIT A

- a. If a member of the City Council requests review of a provisionally approved major waiver request, the request shall be heard before the City Council within sixty (60) days.
- b. In reviewing a provisionally approved major waiver request, the City Council shall consider the criteria for a finding of approval listed in Paragraph C of this subsection. The Administrative Official shall provide a written report detailing why the decision was made. The written report shall be provided to the applicant at least seven (7) days prior to item being heard by the City Council.
- c. The City Council may approve or deny the request. The City Council shall deny any waiver for a finding of approval cannot be made consist with Paragraph C of this subsection. Action by the City Council shall be considered final and shall only be appealable to a court of appropriate jurisdiction.

E. Denial

A waiver request shall be denied unless a finding of approval can be made by the approving authority. Denial of a waiver request by the Administrative Official shall have the effect of denial of a Development Review application. Appeal of such decisions may be made by the applicant in accordance with § 1003.5.C.

EXHIBIT A

FEES - TO BE ADOPTED WITH A NEW FEE SCHEDULE

Small Scale Development Review:	\$325
Large Scale Development Review:	
Less than One (1) Acre:	\$500
One (1) to Two (2) Acres:	\$750
Two (2) to Three (3) Acres:	\$1,500
Three (3) to Five (5) Acres:	\$2,500
Over Five (5) Acres:	\$3,500
Post Approval Review Fee:	\$250
Appeal:	\$325



City of Conway, Arkansas
Ordinance No. O-25-90

AN ORDINANCE AMENDING THE CONWAY ZONING CODE O-94-54, AS AMENDED FOR THE PURPOSES OF DEFINING OR REDEFINING TERMS:

Whereas, it is desirable to have a comprehensive definition section that reflects any amendments to other sections of the code;

Whereas, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of the City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

Whereas, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on **October 20, 2025**, and adopted the prepared amendments.

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

Section 1: That these amendments to the Conway Zoning Code are hereby adopted by reference, and included as exhibit "A" to this ordinance, as Article XIII of O-94-54, as amended and also known as the Conway Zoning Code.

Section 2: All ordinances in conflict herewith are repealed to the extent of the conflict. The Planning and Development Director shall be empowered to recodify the Zoning Code as necessary to update the code with the amendments.

PASSED this 25th day of November, 2025

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer

SECTION 1302 – DEFINITIONS OF TERMS AND USES

Building Coverage: The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.

Impervious surface: A material or structure that prevents water from soaking into the ground.

Low Impact Development (LID): Stormwater management system that mimics natural hydrologic processes to mitigate impacts related to stormwater volume and pollution. Examples include bioswales, rain gardens, permeable pavement, etc.

Lot Coverage: The percentage of lot area occupied by impervious surfaces.



1111 MAIN STREET • CONWAY, AR 72032
(501) 450-6105 • planningcommission@conwayarkansas.gov

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Lori Quinn, 2025 Planning Commission Chairman
Date: November 25, 2025

Re: Conditional Use request to allow Religious Activity and Retail – General uses in the I-3 zone for property located at 700 S S German Lane

Jason Covington has requested to allow the Religious Activity and Retail – General uses in the I-3 zone for property located at 700 S German Ln, with the following legal description:

PART OF THE SE 1/4 NE 1/4, SECTION 13, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAUOLKNER COUNTY, ARKANSAS, DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SE 1/4 NE 1/4, THENCE SOUTH 00 DEGREES 04 MINUTES 50 SECONDS WEST ALONG THE WEST LINE OF SAID SE 1/4 NE 1/4, 348.5 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 55 MINUTES 10 SECONDS EAST, 627.01 FEET; THENCE SOUTH 15.68 FEET; THENCE SOUTH 48 DEGREES 51 MINUTES 10 SECONDS EAST, 498.83 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 33 SECONDS EAST, 284.37 FEET; THENCE SOUTH 243.75 FEET; THENCE SOUTH 01 DEGREE 15 MINUTES 00 SECONDS WEST, 372.5 FEET TO THE SOUTHEAST CORNER OF SAID SE 1/4 NE 1/4; THENCE SOUTH 89 DEGREES 21 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID SE 1/4 NE 1/4, 775.3 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 42 SECONDS EAST, 175.0 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 10 SECONDS WEST, 506.8 FEET TO A POINT ON THE WEST LINE OF SAID SE 1/4 NE 1/4; THENCE NORTH 00 DEGREES 04 MINUTES 50 SECONDS EAST, 796.1 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT:

PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 14 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF CONWAY, FAULKNER COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND IRON PIPE FOR THE SOUTHEAST CORNER OF SAID SE 1/4 NE 1/4; THENCE SOUTH 89 DEGREES 24 MINUTES 12 SECONDS WEST ALONG THE SOUTH LINE OF SAID SE 1/4 NE 1/4, 774.20 FEET TO A SET 1/3 INCH REBAR; THENCE NORTH 00 DEGREES 04 MINUTES 09 SECONDS EAST, 175.00 FEET TO A SET 1/2 INCH REBAR; THENCE NORTH 89 DEGREES 24 MINUTES 12 SECONDS EAST, 120.63 FEET TO A SET 1/2 INCH REBAR; THENCE NORTH 00 DEGREES 04 MINUTES 09 SECONDS EAST, 221.20 FEET TO A SET 1/2 INCH REBAR; THENCE NORTH 89 DEGREES 24 MINUTES 12 SECONDS EAST, 652.24 FEET TO A SET 1/2 INCH REBAR IN THE EAST LINE OF SAID SE 1/4 NE 1/4; THENCE SOUTH 00 DEGREES 07 MINUTES 23 SECONDS EAST, 396.19 FEET TO THE POINT OF BEGINNING, CONTAINING 6.42 ACRES, MORE OR LESS.

The applicant is proposing a religious facility at 700 S German Ln as well as requesting general retail use for the site. The current zoning is I-3, which does not allow either use without a conditional use permit.

The property is located near a variety of uses including commercial, industrial, residential, and multi-family. The church will occupy Suites 105 and 106 in a space of 2,026 sf. As conditioned, the Conditional Use Permit will not likely negatively impact adjacent properties and will allow for appropriate redevelopment of the property.

Staff proposes the following conditions:

1. The conditional use permit is limited to Religious Activities and Retail – General.
2. The church shall not expand beyond Suites 105 & 106.
3. The conditional use permit for general retail encompasses the existing structures on the site.
4. General retail shall not expand beyond the structures currently located on site.
5. All signage shall be permitted and installed in accordance with the Conway Sign Code.
6. Any changes to or expansion of the approved use shall require an amended or new conditional use permit.
7. The conditional use permit shall expire if the use ceases for a consecutive period of greater than 18 months.

The Planning Commission reviewed the request at its regular meeting on November 17, 2025, and voted 7-0 in favor of the request being forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

Covington Sturgis Road Complex, LLC

1053 Front St. Conway, AR 72032
(501) 329-3357 Fax (501) 329-2538

October 16, 2025

Planning & Development Department
City of Conway
1111 Main Street
Conway, AR 72032

RE: Conditional Use Permit
700 S. German Ln.

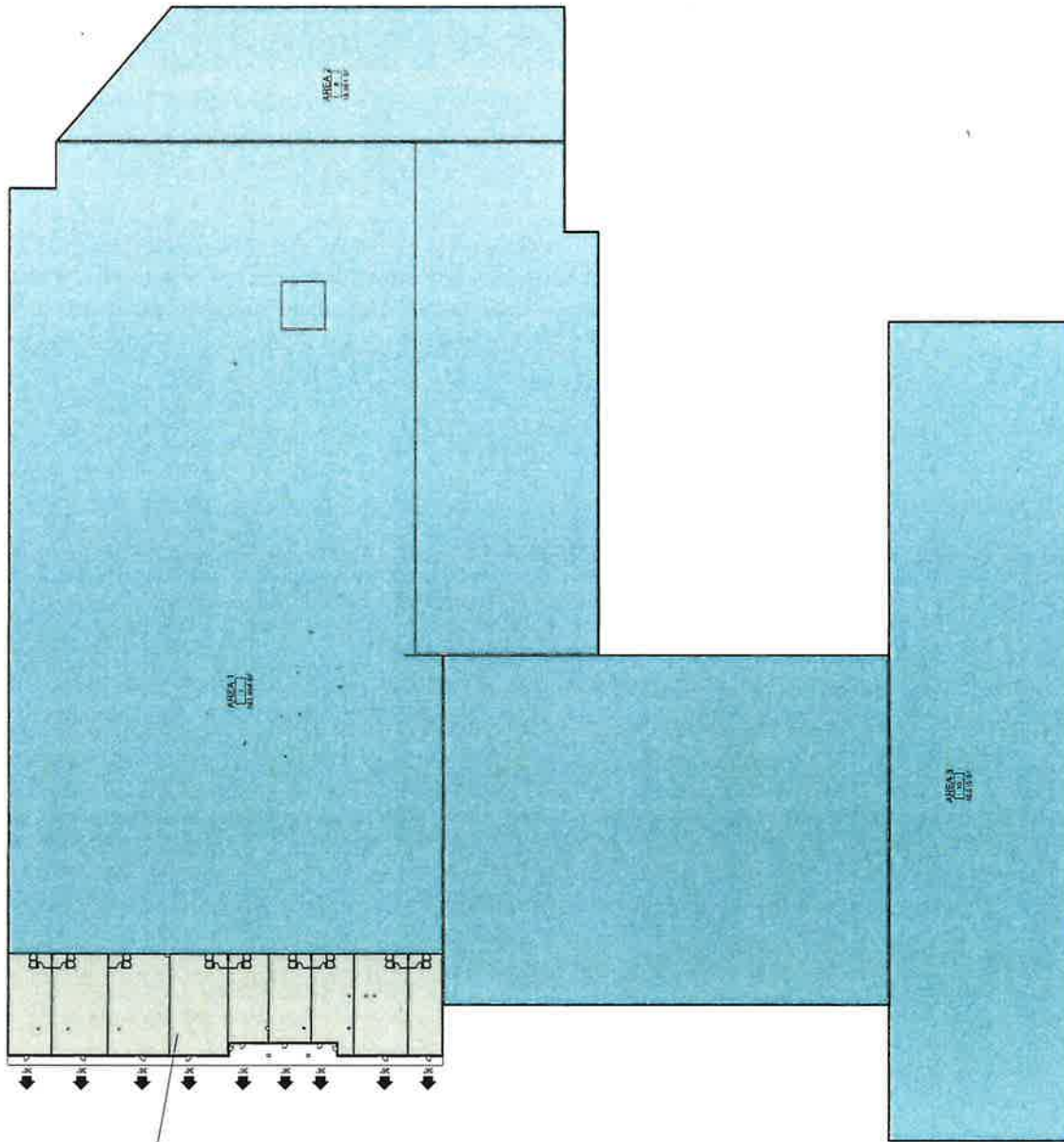
Conditional Use Permit: Applying for Religious Activity Use and Retail Use.

Covington Sturgis Road Complex, LLC would like to apply for conditional use permit for the property listed above, to allow a church (Conway Missionary Baptist Church) to meet at this property. They have 1 employee, and 15 to 30 people meet at their Church. Church services are Sunday 9:00 AM – 12:00 PM, 5:00 PM – 6:30 PM and Wednesday 5:30 PM – 7:30 PM. The Church occupies Suite 105 & 106 in a space of 2,026 sq ft, that includes two restrooms, two offices, a break area and a meeting area of approximately 750 sq ft.

We would like to get a Conditional Use Permit for Retail at this location for future tenants as we have ten office suites on the front of this building in an area of 12,500 sq ft or five percent of the building. The building is 254,170 sq ft that is mostly warehouse space. The property is zoned I-3.

Sincerely,

Jason Covington, Member
Covington Sturgis Road Complex, LLC





City of Conway, Arkansas
Ordinance No. O-25-_____

AN ORDINANCE APPROPRIATING FUNDS FOR THE CONWAY ANIMAL SERVICES FROM THE BEST FRIEND ANIMAL SOCIETY GRANT; AND FOR OTHER PURPOSES

Whereas, donations in the amount of \$1,000 were received from the Best Friends Animal Society Grant through the social media boost grant.

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

Section 1. The City of Conway shall appropriate funds from the Best Friends Animal Society in the amount of \$1,000 for grant funds 399-127-4752.

Section 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 25th day of November 2025.

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer



City of Conway
OFFICE OF THE FIRE CHIEF
Chief Michael Winter

To: Bart Castleberry, Mayor
From: Michael Winter, Fire Chief
Date: November 17, 2025
Re: Request to Remove and Dispose of Asset from Inventory

The Fire Department has the following fire apparatus that is no longer being used and has been used as a trade-in on a new apparatus.

<u>YEAR</u>	<u>DESCRIPTION</u>	<u>VIN</u>	<u>MAKE/MODEL</u>
1998	Engine 9	00873	Pierce Saber Pumper
2007	Engine 10	06995	Pierce Saber Pumper

We formally request the removal of these items from the Department's fixed asset inventory for disposal.

Please let me know if you have any questions or concerns regarding this request.



**City of Conway, Arkansas
Resolution No. R-25-__**

A RESOLUTION TO AMEND RESOLUTIONS R-11-73 AND R-18-11 AND RE-ALLOCATE PROCEEDS FROM THE PAY-AS-YOU-GO QUARTER CENT SALES TAX, TO BE EFFECTIVE JANUARY 1, 2026

WHEREAS, pursuant to a special election held on February 14, 2012, City Council committed to utilize the pay-as-you-go quarter cent sales tax to purchase up to twelve police vehicles and/or up to \$500,000 a year, with the remainder dedicated to major street projects; and

WHEREAS, Resolution R-18-11 passed on March 27, 2018 re-allocated the \$500,000 of tax proceeds to give Police Department \$400,000 and Fire Department \$100,000; and

WHEREAS, voters have approved a new permanent quarter cent sales tax for public safety capital improvements; and

WHEREAS, the City Council wishes to re-allocate the \$500,000 of pay-as-you-go quarter cent sales tax again to provide assistance to the General Fund.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

SECTION 1. The existing pay-as-you-go quarter cent sales tax shall be allocated annually, beginning with the fiscal year 2026, as follows:

General Fund	\$500,000
Major street projects	Remainder of the annual revenue received

Passed this 25th day of November, 2025.

APPROVED:

Mayor Bart Castleberry

ATTEST:

Denise Hurd
City Clerk/Treasurer