



# **CITY OF CONWAY, ARKANSAS PLANNING COMMISSION**

September 15, 2025 • 5:30pm • 1111 Main Street

Planning Commission meeting procedures (per by-laws adopted July 19, 1993; amended September 20, 2021)

*\*Subdivision Review items are included for consideration as administrative reviews to determine compliance with the Conway Subdivision Ordinance, Zoning Code, and applicable plans. Such items are not conducted as public hearings.*

*\*\*Order and conduct for public hearings: Following the announcement of the item by the Chair, Planning Staff will present the report findings. Following Staff presentation the Applicant is granted up to 10 minutes for additional presentation with subsequent favorable public comments limited to 3 minutes per person. If opposed parties are present the initial speaker is then granted up to 10 minutes with each subsequent public comment limited to 3 minutes per person. No person shall address the Planning Commission without first being recognized by the Chair and stating his/her name and address for the public record. All questions/remarks shall be made from the podium and addressed through the Chair to the Commission as a whole. Any group with common interest shall select a speaker to address the Commission on behalf of the group; repetitive comments will be limited.*



# City of Conway

## PLANNING COMMISSION

September 15, 2025

### PLANNING COMMISSION

Lori Quinn, Chair  
Ethan Reed, Vice-Chair  
Mark Ferguson, Secretary  
Alexander Baney  
Jensen Thielke  
Jay Winbourne  
Brooks Davis  
Cassidy D Cook  
Kevin Gambrell

The Conway Planning Commission makes recommendations to the City Council on public hearing items. Items reviewed on this agenda will be considered by the City Council as early as **09 23, 2025.**

Items not approved by the Planning Commission/Board of Zoning Adjustment may be appealed to the City Council within 30 days of the date of denial.

**Call to Order [Planning Commission] and Roll Call.**

**Finding of a Quorum.**

**Approval of Minutes.** August 18, 2025

#### **I. Public Hearings\*\***

- A.Request to rezone property at 124, 130, & 136 Conway Blvd from S-1 to R-2A (REZ-0825-0097)
- B.Request for conditional use permit to allow up to 12 dwelling units per acre in an R-2A zoning district for property located at 124, 130, & 136 Conway Blvd (CUP-0825-0102)
- C.Request for conditional use permit to allow mobile food vendor in an O-1 zoning district for property located at 2285 Moix Blvd (CUP-0825-0100)

#### **II. Announcements/Additional Business**

- A.Development Review Regulations DRAFT amendment presentation
- B.Items as decided by the Commission

**Adjourn.**

300ft N of the intersection of Conway Blvd and Robins St

## APPLICANT/AUTHORIZED AGENT

Central Arkansas Professional Surveying  
1021 Front St  
Conway, AR 72032

## OWNER

Central Baptist College, Inc  
1501 College Ave  
Conway, AR 72034



## SITE DATA

**Location.** 124, 130, & 136 Conway Blvd. Lots 3-5, Block 4 of the Daviess & Garvins Addition to the City of Conway. 300ft north of the intersection of Conway Blvd and Robins St.

**Site Area.** ±1.03 acres across 3 platted lots.

**Current Zoning.** S-1 (Institutional District).

**Requested Rezoning.** R-2A (Two-Family Residential District). There is a concurrent conditional use request for *Up to 12 Dwelling Units Per Acre, single lot*, on this agenda, CUP-0825-0102.

**Adjacent Zoning.** North, East, South: R-2A; West: S-1.

**Existing Structure.** None.

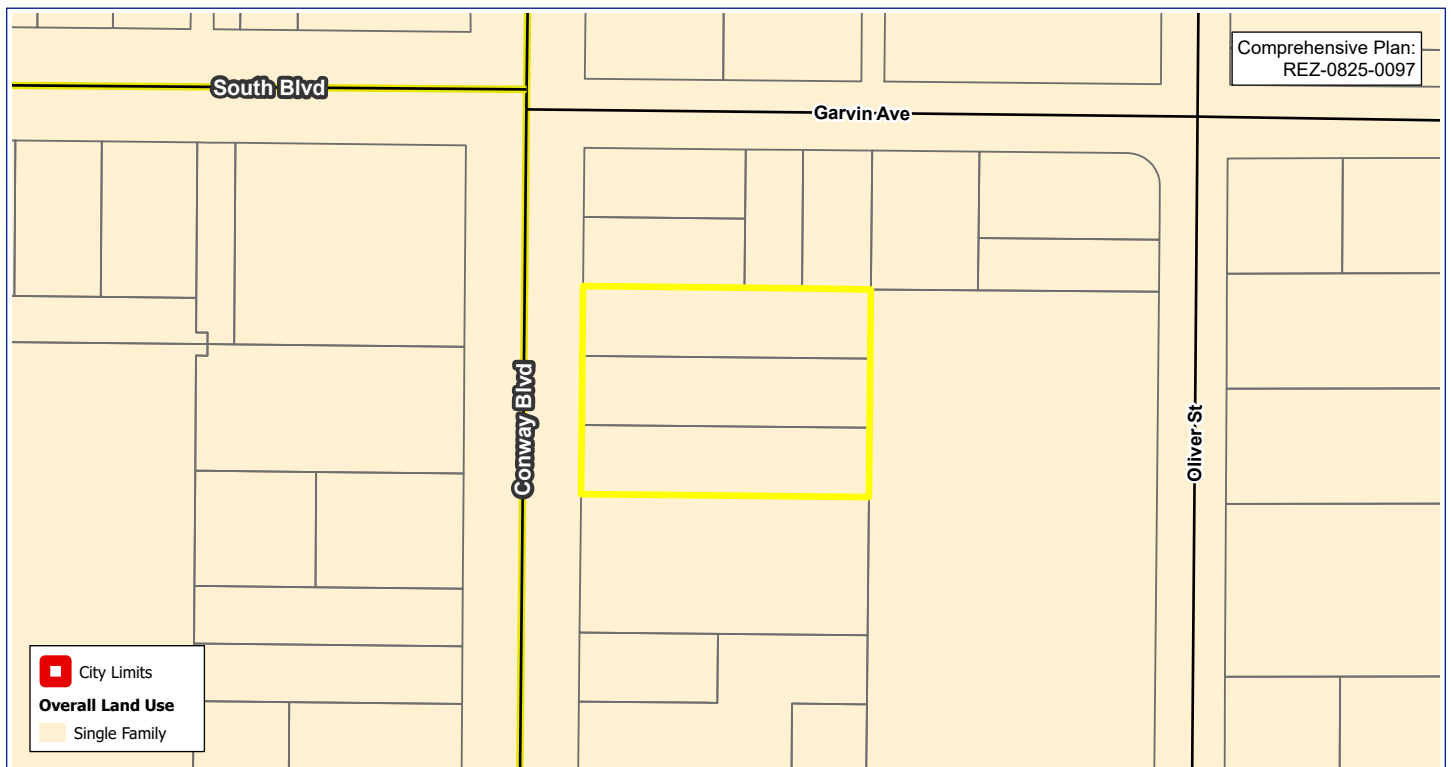
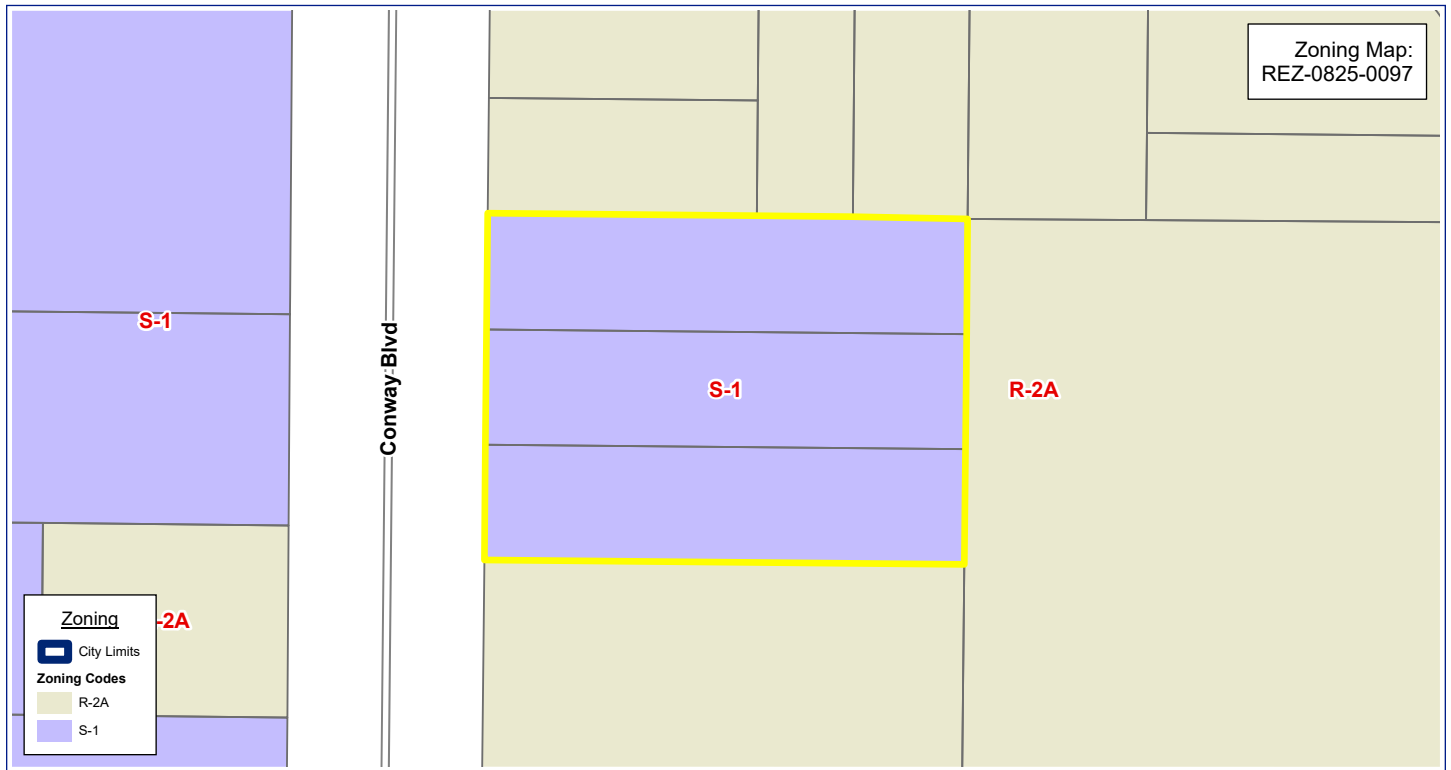
**Overlay.** Old Conway Design Overlay District—Suburban Zone.

**Comprehensive Plan.** Single Family.

**Projected Traffic Impact.** The applicant is proposing the rezone with a concurrent conditional use request to construct 4 triplexes (12 dwelling units). If developed at the proposed density, the development would generate an estimated 86 vehicle trips per typical weekday distributed onto Conway Blvd. As such, the development would have an impact as all 3 lots are currently vacant.



300ft N of the intersection of Conway Blvd and Robins St



300ft N of the intersection of Conway Blvd and Robins St

**Current Traffic Counts.** 1,800 ADT approximately 400ft to the north along Conway Blvd.

**Flood/Drainage.** The site is not within any FEMA Special Flood Hazard Areas.

**Utilities.** The extension of any new utilities to the site will require coordination with Conway Corporation.

**Master Street Plan.** Conway Blvd – Major Arterial (100' ROW).

**Street Improvement.** No current improvement plans.

#### **STAFF COMMENTS**

- These 3 lots were historically zoned R-2A but were rezoned in April of 2016 to S-1 by Central Baptist College for the purpose of a shared parking area to serve Conway Station Park and the CBC campus for their future athletics complex and bus parking. As that use has not been sought and the property owners are selling the property, staff concurs that a rezone to the previous zoning is appropriate.
- There are two multi-family developments on the south and east side of the block with R-2A zoning classifications and conditional use permits granting multifamily densities; the apartment development to the east has 24 units, the southern lot at the corner development has 7 units. Adjacent property to the north is vacant and to the south is a single-family home.
- Up to 12 Dwelling Units Per Acre, single lot, is not allowed by right in the R-2A zone without a conditional use permit. The applicant has submitted a concurrent conditional use permit application, CUP-0825-0102.
- Up to 12 Dwelling Units Per Acre, single lot, is allowed conditionally in the S-1 as well as the R-2A zone, but with the down zone to R-2A, it would more appropriately align with the existing zoning and land uses on the block. R-2A zoning standards are also more restrictive than those of S-1.
- The Comprehensive Plan designates the area as Single-Family.
- The site will have to undergo both Historic District Commission review and Site Development Review prior to the issuance of building permits.

**Central  
Arkansas  
Professional  
Surveying, LLC**

1021 Front Street  
Conway, AR 72032  
501.513.4800  
501.513.0900-fax

August 14, 2025

Re: Davies and Garvin Lots 3-5 Blk 4

The intent of this submission is to rezone Davies and Garvin  
Subd. Lots 3-5 Blk 4 from S-1 to R2A with a conditional use of  
MF1.

If you have any questions, please call me at 501-472-2862.

Sincerely,

Robert D. French, P.S. 1363

Central Arkansas Professional Surveying



300ft N of the intersection of Conway Blvd and Robins St



View of subject property facing E



View of subject property facing E



Adjacent property to the N



Adjacent property to the S



Adjacent property to the W



Looking S down Conway Blvd



300ft N of the intersection of Conway Blvd and Robins St

**APPLICANT/AUTHORIZED AGENT**

Central Arkansas Professional Surveying  
1021 Front St  
Conway, AR 72032

**OWNER**

Central Baptist College, Inc  
1501 College Ave  
Conway, AR 72034

**SITE DATA**

**Location.** 124, 130, & 136 Conway Blvd. Lots 3-5, Block 4 of the Daviess & Garvins Addition to the City of Conway. 300ft north of the intersection of Conway Blvd and Robins St.

**Site Area.** ±1.03 acres across 3 platted lots.

**Current Zoning.** S-1 (Institutional District). There is a concurrent rezone request from S-1 to R-2A on this agenda, REZ-0825-0097.

**Adjacent Zoning.** North, East, South: R-2A; West: S-1.

**Requested Conditional Use.** Up to 12 Dwelling Units Per Acre, single lot.

**Existing Structures.** None.

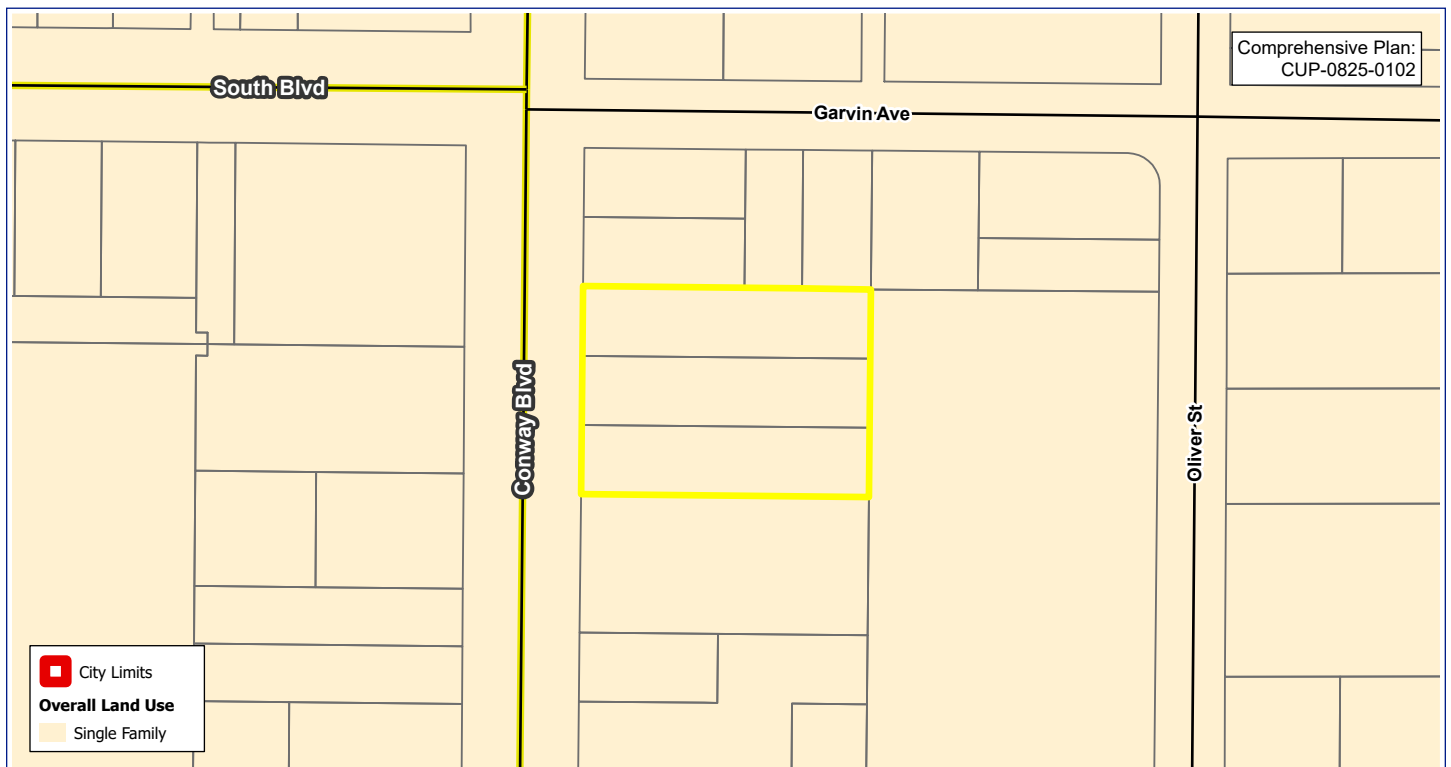
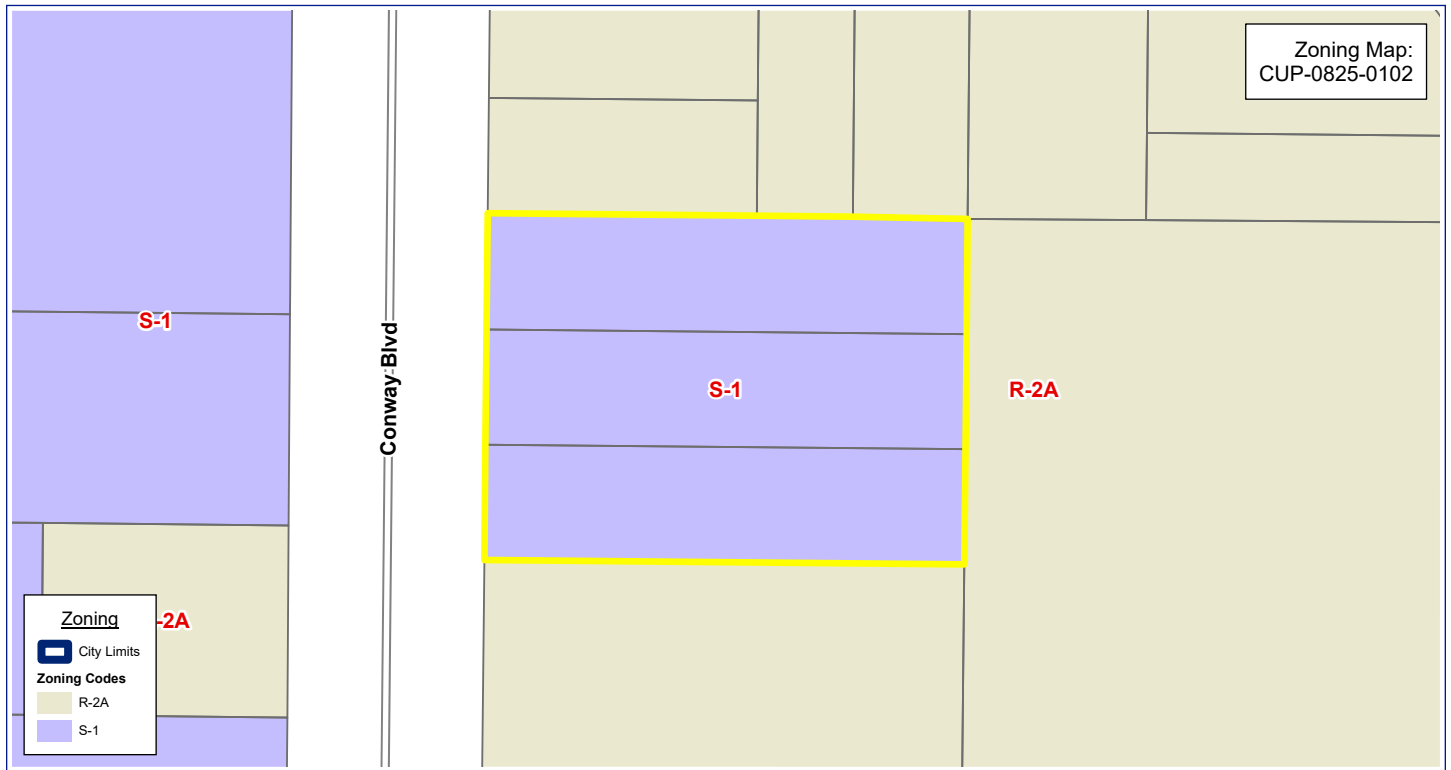
**Overlay.** Old Conway Design Overlay District—Suburban Zone.

**Comprehensive Plan.** Single Family.

**Projected Traffic Impact.** The applicant is proposing the conditional use request to construct 4 triplexes (12 dwelling units). If developed at the proposed density, the development would generate an estimated 86 vehicle trips per typical weekday distributed onto Conway Blvd. As such, the development would have an impact as all 3 lots are currently vacant.



300ft N of the intersection of Conway Blvd and Robins St



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**Current Traffic Counts.** 1,800 ADT approximately 400ft to the north along Conway Blvd.

**Flood/Drainage.** The site is not within any FEMA Special Flood Hazard Areas.

**Utilities.** Applicant will need to coordinate any additional extension of utilities with Conway Corporation.

**Master Street Plan.** Conway Blvd – Major Arterial (100' ROW).

**Street Improvement.** No current improvement plans.

#### **STAFF COMMENTS**

- There are two multi-family developments on the south and east side of the block with R-2A zoning classifications and conditional use permits granting multifamily densities; the apartment development to the east has 24 units, the southern lot at the corner development has 7 units. Adjacent property to the north is vacant and to the south is a single-family home.
- Based solely on acreage, the property could accommodate up to 12 dwelling units. Given development review standard requirements, including parking and setback constraints, as well as Overlay historic district guidelines, site design and density allowed is subject to change.
- Due to developed adjacent land uses, a slightly higher density residential development can be appropriate.
- If developed on a single lot as shown, the development will be subject to site development review.
- Site development review will determine the final number of units allowed on the site additionally accounting for required lot coverage, greenspace, parking, and detention requirements.

#### ***Should the Commission choose to approve the conditional use, Planning staff proposes the following conditions:***

1. Historic District Commission review shall be required.
2. The development shall be subject to Site Development Review in accordance with Article 10 of the Conway Zoning Code.
3. The fronts of all units shall be oriented to, and take access from, the internal access drive.
4. Garages, if included, shall not dominate the façade of any structure.
5. Building exteriors shall be composed of brick, rock, or a cement fiber board product such as Hardie® siding.
6. Vinyl siding shall be prohibited.
7. No accessory structures shall be permitted.
8. Enhanced landscaping shall be provided along all property lines and shall be required to screen parking, mechanical equipment, and/or any dumpster/trash enclosures visible from public realm.
9. Privacy fencing, in compliance with Old Conway Design Overlay District—Suburban Zone standards, shall be installed along all interior property lines.
10. All signage shall conform to the Conway Sign Code and Old Conway Overlay District standards.
11. The conditional use approval shall become null and void if construction for the use does not commence within 18 months from the date of approval of this permit.
12. Any changes to or expansion of the approved use shall require an amended or new conditional use permit.
13. The conditional use permit shall expire if the use ceases for a consecutive period of greater than 18 months.

# Central Arkansas Professional Surveying, LLC

1021 Front Street  
Conway, AR 72032  
501.513.4800  
501.513.0900-fax

August 14, 2025

Re: Davies and Garvin Lots 3-5 Blk 4

The intent of this submission is to rezone Davies and Garvin Subd. Lots 3-5 Blk 4 from S-1 to R2A with a conditional use of MF1.

If you have any questions, please call me at 501-472-2862.

Sincerely,

Robert D. French, P.S. 1363

Central Arkansas Professional Surveying





300ft N of the intersection of Conway Blvd and Robins St



View of subject property facing E



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Adjacent property to the N



Adjacent property to the S



Adjacent property to the W



Looking S down Conway Blvd



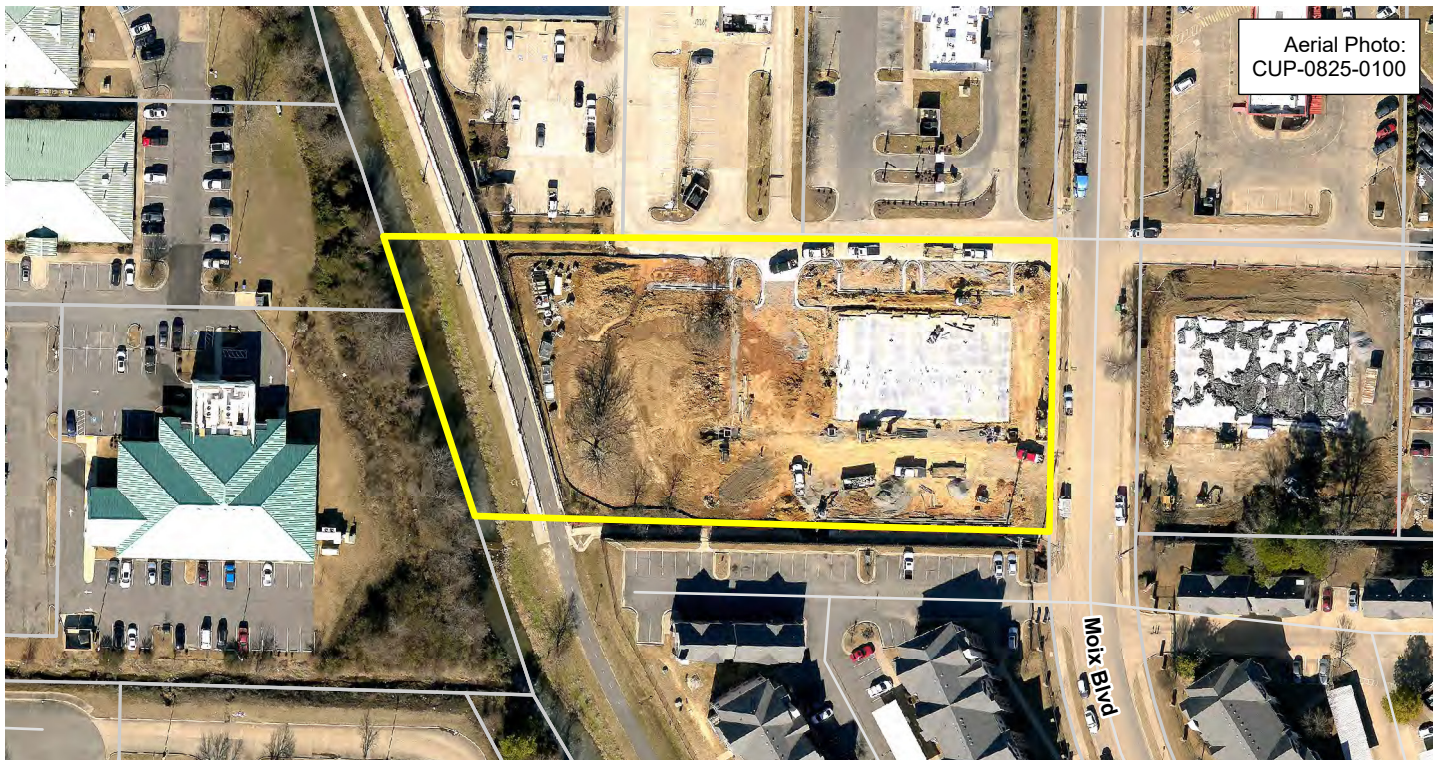
Approx. 350ft S of the intersection of DWD and Moix Blvd

**APPLICANT/AUTHORIZED AGENT**

Kourtney Bennett  
Engage Management  
201 Lee Andrews Ln  
Conway, AR 72034

**OWNER**

Salter Acquisitions, LLC  
PO Box 11778  
Conway, AR 72033

**SITE DATA**

**Location.** 2285 Moix Blvd.

**Site Area.** 1.98 acres±.

**Current Zoning.** O-1 (General Office District).

**Adjacent Zoning.** North, East: O-1; South: MF-3 (Multi-Family District); West: C-3 (Highway Service and Open Display District).

**Existing Structures.** 8,564sf mixed use building.

**Overlay.** None.

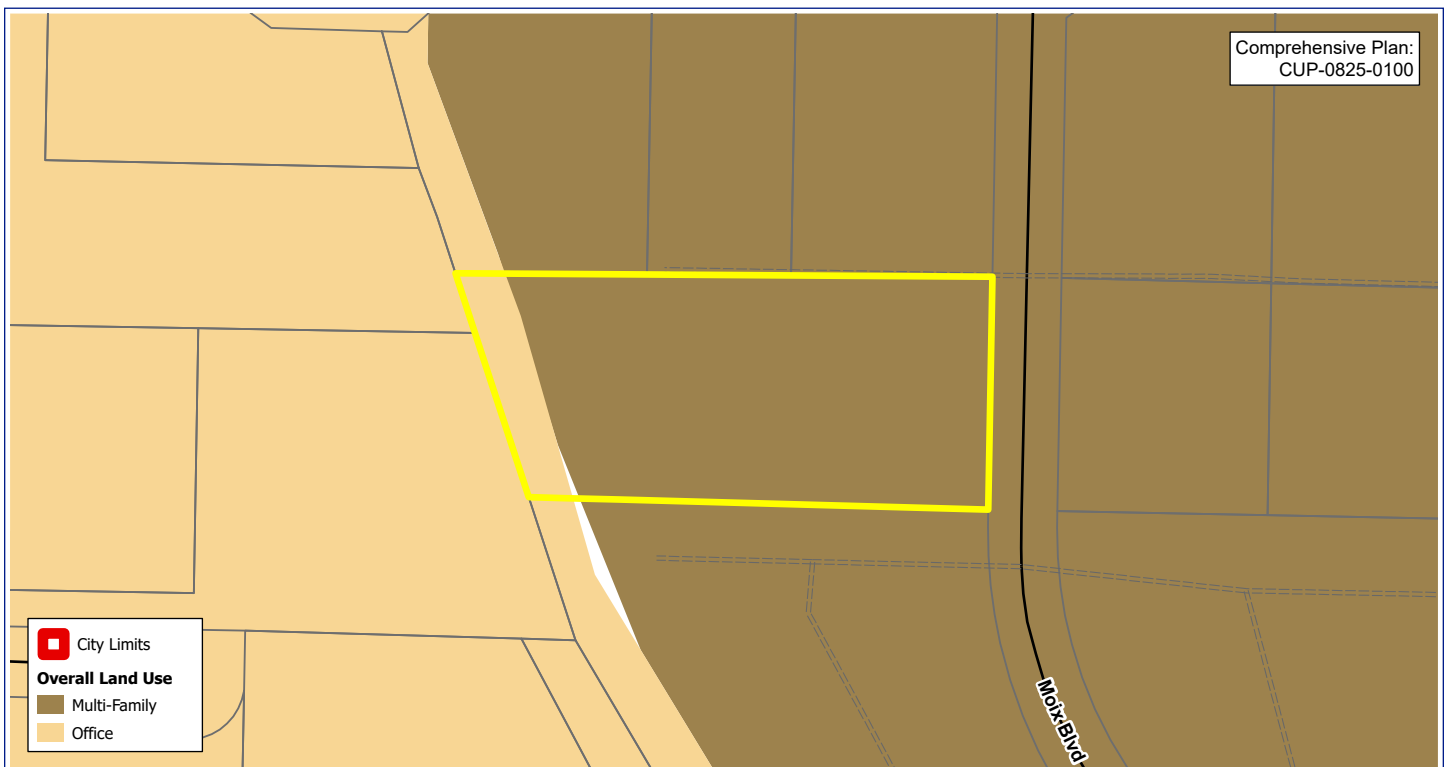
**Requested Conditional Use Permit.** To allow for a mobile food vendor in the O-1 zoning district.

**Comprehensive Plan.** Multi Family.

**Projected Traffic Impact.** This applicant is requesting conditional use approval for a mobile food vendor. If this CUP is approved and developed as planned, this could yield between 6 and 43 vehicle trips per typical weekday, depending on popularity and times of service.

**Flood\Drainage.** The western portion of this lot is within the 100 year floodplain.

Approx. 350ft S of the intersection of DWD and Moix Blvd



Approx. 350ft S of the intersection of DWD and Moix Blvd

**Utilities.** The site is served by Conway Corp for all utilities.

**Street Improvement.** None at this time.

#### **PROJECT DESCRIPTION**

This applicant is requesting to place a mobile food vendor on a site which is zoned O-1. The goal, per the applicant, is “to create an outdoor space for people of all walks of life to enjoy some good food and connect with each other.”

#### **STAFF COMMENTS**

- The applicant is proposing a mobile food vendor in the O-1 zoning district. This requires a conditional use permit.
- The site is currently a mixed-use building with both lofts and commercial space.
- This conditional use permit will amend the current permit, Permit 1288. The existing conditional use permit allows for multi-family units and retail – general and hotel.
- The idea of adding a food vendor to create a community space is appropriate for this area.
- As conditioned, the Conditional Use Permit would likely not negatively impact adjacent properties and will allow for appropriate redevelopment of the property.

***Should the Commission choose to approve the conditional use, Planning staff proposes the following conditions:***

#### **CONDITIONS**

1. This Conditional Use Permit will be an amendment to the previously issued CUP, Permit 1288.
2. Access will be limited to the private concrete drive currently servicing this development. A new 10' ingress/egress point for bicycle traffic is permitted.
3. Mobile vendor must locate on a paved surface.
4. This permit will only allow for one food truck on site at a time.
5. All required permitting and licensing must be met.
6. The development shall be subject to site development review in accordance with Article 10 of the Zoning Code.
7. Any mobile vendor on site shall follow Section 518 of the Conway Zoning Code including signage.
8. All exterior seating shall follow Section 1007.12 of the Conway Zoning Code.
9. This development will be subject to Site Development Review.
10. Enhanced landscaping shall be provided between the food vendor/outdoor dining area and the adjacent parking area.
11. The conditional use approval shall become null and void if construction for the use does not commence within 18 months from the date of approval of this updated CUP permit.
12. Any changes to or expansion of the approved mobile food vendor portion of the conditional use permit shall require an amended or new conditional use permit.
13. The conditional use permit shall expire if the use ceases for a consecutive period of greater than 18 months.

Approx. 350ft S of the intersection of DWD and Moix Blvd



August 15, 2025

Planning & Development Department  
City of Conway  
1202 W. Oak Street  
Conway, AR 72032

RE: Conditional Use Permit  
2285 Moix Blvd

Conditional Use Permit: Applying for a Mobile Food Vendor Conditional Use Permit

Salter Acquisitions LLC would like to apply for a conditional use permit for the property listed above, to allow a Mobile Food Vendor on site. Our goal is to create an outdoor space for people of all walks of life to enjoy some good food and connect with each other. We feel this will continue our efforts to create an engaging district.

Thank you for your consideration.

Brent Salter, Member  
Salter Acquisitions, LLC



Approx. 350ft S of the intersection of DWD and Moix Blvd

WEST AMENITY AREA TO SCALE (APPROXIMATE)





Approx. 350ft S of the intersection of DWD and Moix Blvd

NOTES ON PERMIT 1288 - ALL PERMITS SHOWN BELOW THIS PAGE

Originally approved 10/28/2008 and signed 11/25/2008, application USE2008OCT01

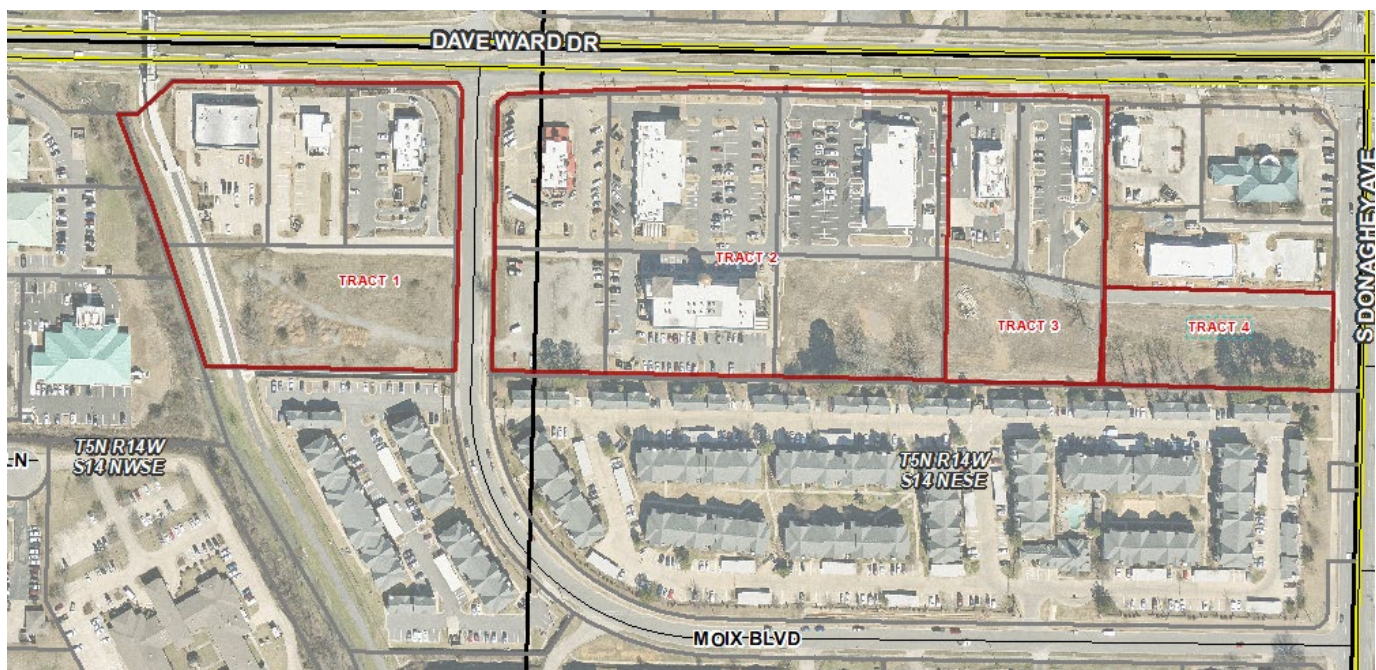
Reissued 9/18/2014 (removes "SALTER ACQUISITIONS" from the purposed heading)

Amendment approved 6/28/2016 and signed 7/1/2016, application USE2016JUN01

Amendment added two tracts that correspond to lots 2, 3, 4 and 5 on The Plaza at Centerstone plat filed 7/30/2019 as P2019/39, [document here](#)

A second amendment was approved 11/28/2017 and signed 11/30/2017, application USE2017NOV02

Amendment added multi-family units and conditions



**PERMIT No. 1288 Amended**

(ORIGINALLY SIGNED 11-25-2008)  
 (REISSUED 9-18-2014)  
 (AMENDED 9-28-2016)  
 (AMENDED 11-28-2017)

USE2011NOV02  
 51414SE

## CONDITIONAL USE PERMIT

### CITY OF CONWAY, ARKANSAS

**PROPERTY DESCRIPTION / ADDRESS / LOCATION:**

This conditional use is for property located in the 2100-2300 block of Dave Ward Drive and the southwest corner of Dave Ward Drive and South Donaghey Avenue west to Stone Dam Creek, with the legal descriptions

**TRACT 1:**

A part of the NW¼ SE¼ of Section 14, Township 5 North, Range 14 West and apart of Lot 7 of Moix Meadows Subdivision as shown in Plat Book K, on page 34, Records of Faulkner County, Arkansas being more particularly described as commencing at the Northeast Corner of said NW¼ SE¼ and running thence S66°06'52"W, 149.36 feet to the corner of said Lot 7, said point being the point of beginning; thence run along the West right of way of Moix Boulevard S24°32'46"E, 13.93 feet; thence S02°02'00"W, 444.80 feet; thence leaving said right of way run N87°53'44", 397.40 feet; thence run N17°12'12"W, 259.68 feet; thence N19°49'12"W, 164.83 feet to the South right of way of HWY #60 (now HWY 286 aka Dave Ward Drive); thence run along said right of way S87°23'25"E, 30.44 feet; thence N48°25'20"E, 79.01 feet; thence S88°31'37"E, 450.46 feet to the point of beginning. Said Tract contains 4.91 acres more or less.

**TRACT 2:**

A part of the N½ SE¼ of Section 14, Township 5 North, Range 14 West, Faulkner County, Arkansas, being more particularly described as commencing at the Northeast Corner of the NW¼ SW¼ of said Section 14 and running thence S33°36'33"W, 94.21 feet to the North right of way of HWY #60 (now HWY 286 aka Dave Ward Drive), said point being the point of beginning; thence run along said right of way the following: N89°03'34"E, 162.31 feet; N89°43'18"E, 165.16 feet; S87°58'52"E, 375.20 feet; thence leaving said right of way run S01°57'26"W, 458.43 feet; thence run N87°53'44"W, 721.69 feet to the East right of way of Moix Boulevard; thence run N02°02'00"E along said right of way 428.39 feet; thence N55°22'53"E, 23.39 feet to the point of beginning. Said tract contains 7.52 acres more or less.

**TRACT 3:**

A part of the NE¼ SE¼ of Section 14, T-5-N, R-14-W, Faulkner County, Arkansas, being more particularly described as commencing at the northeast corner of said NE¼ SE¼ and running thence N87°53'44"W, along the north line of said NE¼ SE¼, 418.28 feet; thence S01°58'24"W, 64.29 feet to the south right of way of highway #60 and the point of beginning; thence continue S01°058'24"W, 458.41 feet; thence N87°54'32"W, 250.61 feet; thence N01°054'01"E, 458.50 feet to the south right of way of said highway; thence run S87°53'20"E, 251.19 feet to the point of beginning. Said tract contains 2.64 acres more or less.

Approx. 350ft S of the intersection of DWD and Moix Blvd

**PERMIT No. 1288 Amended**

(ORIGINALLY SIGNED 11-25-2008)  
(REISSUED 9-18-2014)  
(AMENDED 9-28-2016)  
(AMENDED 11-28-2017)

USE2011NOV02  
51414SE

**TRACT 4:**

A part of the NE1/4 SE1/4 of Section 14, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning 366 feet south of the northeast corner of said NE1/4 SE1/4, and running thence south 156 feet; thence west 418 feet; thence north 156 feet; thence east 418 feet to the point of beginning.

ZONING: O-1 (Central Business District)

CONDITIONAL USE PERMITTED TO SALTER: Retail - General and Hotel; Multi-family (max. 24 units/acre)

DATE OF COUNCIL MEETING ALLOWING PERMITTED USE: initial October 28, 2008; amended June 28, 2016; **amended November 28, 2017**

CONDITIONS ATTACHED TO THE PERMIT:

1. Multi-family units limited to 216 units.

APPROVED:

  
Bart Castleberry, Mayor

11-30-2017  
Date



**PERMIT No. 1288 Amended**(ORIGINALLY SIGNED 11-25-2008)  
(REISSUED 9-18-2014)USE2016JUN01  
51414SE

## CONDITIONAL USE PERMIT

### CITY OF CONWAY, ARKANSAS

## PROPERTY DESCRIPTION / ADDRESS / LOCATION:

This conditional use is for property located along the south side of Dave Ward Drive on both sides of Moix Boulevard, starting at Stone Dam Creek and extending east about 1,300 feet, with the legal description

**TRACT 1:**

A part of the NW¼ SE¼ of Section 14, Township 5 North, Range 14 West and apart of Lot 7 of Moix Meadows Subdivision as shown in Plat Book K, on page 34, Records of Faulkner County, Arkansas being more particularly described as commencing at the Northeast Corner of said NW¼ SE¼ and running thence S66°06'52"W, 149.36 feet to the corner of said Lot 7, said point being the point of beginning; thence run along the West right of way of Moix Boulevard S24°32'46"E, 13.93 feet; thence S02°02'00"W, 444.80 feet; thence leaving said right of way run N87°53'44", 397.40 feet; thence run N17°12'12"W, 259.68 feet; thence N19°49'12"W, 164.83 feet to the South right of way of HWY #60 (now HWY 286 aka Dave Ward Drive); thence run along said right of way S87°23'25"E, 30.44 feet; thence N48°25'20"E, 79.01 feet; thence S88°31'37"E, 450.46 feet to the point of beginning. Said Tract contains 4.91 acres more or less.

**TRACT 2:**

A part of the N½ SE¼ of Section 14, Township 5 North, Range 14 West, Faulkner County, Arkansas, being more particularly described as commencing at the Northeast Corner of the NW¼ SW¼ of said Section 14 and running thence S33°36'33"W, 94.21 feet to the North right of way of HWY #60 (now HWY 286 aka Dave Ward Drive), said point being the point of beginning; thence run along said right of way the following: N89°03'34"E, 162.31 feet; N89°43'18"E, 165.16 feet; S87°58'52"E, 375.20 feet; thence leaving said right of way run S01°57'26"W, 458.43 feet; thence run N87°53'44"W, 721.69 feet to the East right of way of Moix Boulevard; thence run N02°02'00"E along said right of way 428.39 feet; thence N55°22'53"E, 23.39 feet to the point of beginning. Said tract contains 7.52 acres more or less.

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Approx. 350ft S of the intersection of DWD and Moix Blvd

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USE2016JUN01  
51414SE

**TRACT 4:**

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ZONING: O-1 (Central Business District)

CONDITIONAL USE PERMITTED TO SALTER: Retail - General and Hotel

DATE OF COUNCIL MEETING ALLOWING PERMITTED USE: initial October 28, 2008; amendment June 28, 2016

CONDITIONS ATTACHED TO THE PERMIT:

None

APPROVED:

  
Tab Townsell, Mayor

  
Date 7/1/2016



Approx. 350ft S of the intersection of DWD and Moix Blvd

**PERMIT No 1288 (REISSUED)**  
(ORIGINALLY SIGNED 11-25-2008)

USE2008OCT01  
51414SE

## CONDITIONAL USE PERMIT CITY OF CONWAY, ARKANSAS

### PROPERTY DESCRIPTION / ADDRESS / LOCATION:

This conditional use is for property located along the south side of Dave Ward Drive on both sides of Moix Boulevard, starting at Stone Dam Creek and extending east about 1,300 feet, with the legal description

#### TRACT 1:

A part of the NW¼ SE¼ of Section 14, Township 5 North, Range 14 West and apart of Lot 7 of Moix Meadows Subdivision as shown in Plat Book K, on page 34, Records of Faulkner County, Arkansas being more particularly described as commencing at the Northeast Corner of said NW¼ SE¼ and running thence S66°06'52"W, 149.36 feet to the corner of said Lot 7, said point being the point of beginning; thence run along the West right of way of Moix Boulevard S24°32'46"E, 13.93 feet; thence S02°02'00"W, 444.80 feet; thence leaving said right of way run N87°53'44", 397.40 feet; thence run N17°12'12"W, 259.68 feet; thence N19°49'12"W, 164.83 feet to the South right of way of HWY #60 (now HWY 286 aka Dave Ward Drive); thence run along said right of way S87°23'25"E, 30.44 feet; thence N48°25'20"E, 79.01 feet; thence S88°31'37"E, 450.46 feet to the point of beginning. Said Tract contains 4.91 acres more or less.

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ZONING: O-1

CONDITIONAL USE PERMIT TO ALLOW: Retail – General and Hotel

DATE OF COUNCIL MEETING ALLOWING PERMITTED USE: October 28, 2008

#### CONDITIONS ATTACHED TO PERMIT:

**Tree Preservation** – Removal of any tree(s) eight (8) inches or greater in diameter must have approval of the city's Director of Planning & Development.

#### APPROVED:

  
Tab Townsell, Mayor

9/18/14  
Date

Approx. 350ft S of the intersection of DWD and Moix Blvd

**PERMIT No 1288 (REISSUED)**  
(ORIGINALLY SIGNED 11-25-2008)

USE2008OCT01  
51414SE

## CONDITIONAL USE PERMIT CITY OF CONWAY, ARKANSAS

### PROPERTY DESCRIPTION / ADDRESS / LOCATION:

This conditional use is for property located along the south side of Dave Ward Drive on both sides of Moix Boulevard, starting at Stone Dam Creek and extending east about 1,300 feet, with the legal description

#### TRACT 1:

A part of the NW¼ SE¼ of Section 14, Township 5 North, Range 14 West and apart of Lot 7 of Moix Meadows Subdivision as shown in Plat Book K, on page 34, Records of Faulkner County, Arkansas being more particularly described as commencing at the Northeast Corner of said NW¼ SE¼ and running thence S66°06'52"W, 149.36 feet to the corner of said Lot 7, said point being the point of beginning; thence run along the West right of way of Moix Boulevard S24°32'46"E, 13.93 feet; thence S02°02'00"W, 444.80 feet; thence leaving said right of way run N87°53'44", 397.40 feet; thence run N17°12'12"W, 259.68 feet; thence N19°49'12"W, 164.83 feet to the South right of way of HWY #60 (now HWY 286 aka Dave Ward Drive); thence run along said right of way S87°23'25"E, 30.44 feet; thence N48°25'20"E, 79.01 feet; thence S88°31'37"E, 450.46 feet to the point of beginning. Said Tract contains 4.91 acres more or less.

#### TRACT 2:

A part of the N½ SE¼ of Section 14, Township 5 North, Range 14 West, Faulkner County, Arkansas, being more particularly described as commencing at the Northeast Corner of the NW¼ SW¼ of said Section 14 and running thence S33°36'33"W, 94.21 feet to the North right of way of HWY #60 (now HWY 286 aka Dave Ward Drive), said point being the point of beginning; thence run along said right of way the following: N89°03'34"E, 162.31 feet; N89°43'18"E, 165.16 feet; S87°58'52"E, 375.20 feet; thence leaving said right of way run S01°57'26"W, 458.43 feet; thence run N87°53'44"W, 721.69 feet to the East right of way of Moix Boulevard; thence run N02°02'00"E along said right of way 428.39 feet; thence N55°22'53"E, 23.39 feet to the point of beginning. Said tract contains 7.52 acres more or less.

ZONING: O-1

CONDITIONAL USE PERMIT TO ALLOW: Retail – General and Hotel

DATE OF COUNCIL MEETING ALLOWING PERMITTED USE: October 28, 2008

#### CONDITIONS ATTACHED TO PERMIT:

**Tree Preservation** – Removal of any tree(s) eight (8) inches or greater in diameter must have approval of the city's Director of Planning & Development.

#### APPROVED:

  
Tab Townsell, Mayor

9/18/14  
Date

PERMIT No 1288

USE2008OCT01  
51414SE

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ZONING: O-1CONDITIONAL USE PERMITTED TO SALTER ACQUISITIONS (GENE SALTER, PRINCIPAL) FOR: \_\_\_\_\_  
Retail – General and HotelDATE OF COUNCIL MEETING ALLOWING PERMITTED USE: October 28, 2008**CONDITIONS ATTACHED TO PERMIT:**

**Tree Preservation** – Removal of any tree(s) eight (8) inches or greater in diameter must have approval of the city's Director of Planning & Development.

**APPROVED:**

Tab Townsell, Mayor

11-25-08

Date



Approx. 350ft S of the intersection of DWD and Moix Blvd



View of project area



View of project area facing S



View of project area facing NW



Development to the SE



Adjacent property to the N



Looking W down access drive



## APPENDIX

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*The following items, which do not require public hearings or Planning Commission action, have been reviewed and approved by the Director of Planning & Development and are being reported to the Planning Commission as required by the Zoning Code and Subdivision Ordinance.*

### **Development Review Approvals**

- (SDR-0625-0080) Compass Academy at 225 Tilk Rd

### **Plats filed for record (Lot Splits, Lot Mergers, and Final Plats)**

- (P2025-00047) H.F. Langford Subdivision
- (P2025-00048) Compass Academy Replat

### 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 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 required at the building line, 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 the remaining 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%/60%	25'	6'	25'	25'	2.5	35'
R-2A	Duplex	10,000	5,000	100'	30% (1)/60%	40'	10'	25'	20'	2.5	35'
	SF-Detached	6,000	6,000	50'	30% (1)/60%	25'	6'	25'	20'	2.5	35'
	All others Except Accessory*	10,000	-	100'	30% (1)/60%	40'	10'	25'	20'	2.5	35'
R-2	All Except Accessory*	6,000	3,500 (8)	50'	30% (1)/60%	25'	6'	25'	20'	2.5	35'
SR	All Except Accessory*	14,500	14,500	100'	30% (1)/60%	25'	8'	25'	25'	3	42'
HR	Duplex	10,000	5,000	100'	30% (1)/60%	25'	6'	25'	20'	2.5	35'
	SF-Detached	5,000	5,000	50'	30% (1)/60%	25'	6'	25'	20'	2.5	35'
	All others Except Accessory*	5,000	5,000	50'	30% (1)/60%	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'

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
	Duplex	6,000	3,000	60'	30% (1)/70%	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	4,000	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 lot 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.

### 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 all other zones in this section, 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.

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'



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
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.

### 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.

### 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.

### **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



## **ARTICLE IX. OFF-STREET PARKING AND ACCESS MANAGEMENT**

### **SECTION 901 – APPLICATION**

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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 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**

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#### **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 <sup>2</sup>	4.2 spaces per 1,000 ft <sup>2</sup>
Retail/General Business	3.4 spaces per 1,000 ft <sup>2</sup>	4.8 spaces per 1,000 ft <sup>2</sup>
Restaurant	9 spaces per 1,000 ft <sup>2</sup>	12 spaces per 1,000 ft <sup>2</sup>
Industry	0.6 spaces per 1,000 ft <sup>2</sup>	1.8 spaces per 1,000 ft <sup>2</sup>

### **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

### **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**

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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 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**

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### **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.
- 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**

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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**

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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:

### **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.
  - 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 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**

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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.

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## **ARTICLE X. DEVELOPMENT REVIEW**

### **SECTION 1001 – PURPOSE**

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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**

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#### **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:

- A. Construction, addition, or alteration of a single-family or two-family dwelling for residential use,
- 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
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 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:

<b>Required Materials for Application</b> X = Required, O = Required upon Determination of Administrative Official	<b>SSD</b>	<b>LSD</b>
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

Required Materials for Application X = Required, O = Required upon Determination of Administrative Official	SSD	LSD
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

#### **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 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.

**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.
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**

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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.
- 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

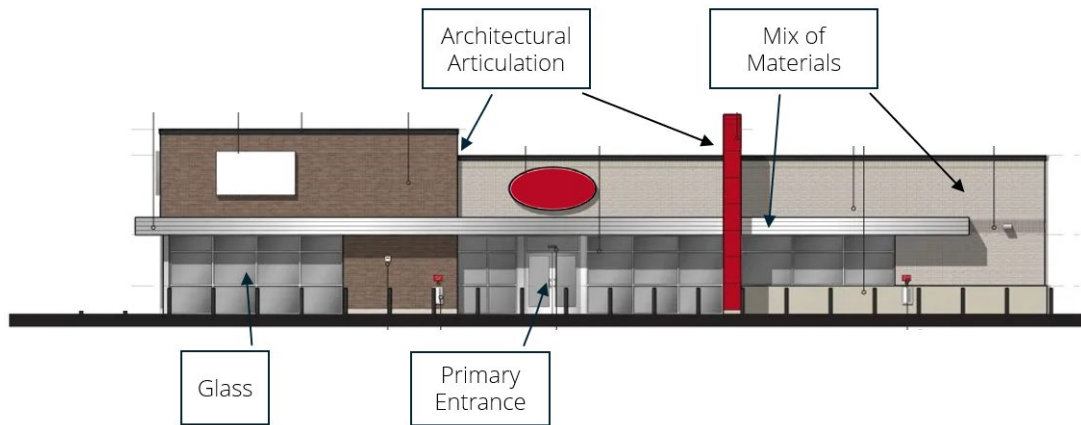
1. **Primary Façade:** Primary Façade is a building façade which contains a primary building entrance intended for public access and which has a frontage to a public street or publicly accessible fire apparatus lane, including internal streets for a multiple building site.
2. **Secondary Façade:** Secondary 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. Façade Characteristics**

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

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

- 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.

SEE NEXT PAGE



4. Exterior Building Materials Table by Material Class.

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

Material 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
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

Material Group	Class 1	Class 2	Class 3	Class 4	Definition
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)

5. 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.
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,
  - 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.
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 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 district 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.
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 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.
  - 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.

#### **1004.9 – 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.

#### **1004.10 – 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 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.
- 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.

#### **1004.11 – 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.

##### **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.

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.
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).

- 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. Taxiway 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.



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.

- 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.

- 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

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

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**SECTION 1005 – TRAFFIC IMPACT ANALYSIS REQUIREMENTS**

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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.

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**SECTION 1006 – WAIVERS**

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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

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.
  - 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.

***FEES – TO BE ADOPTED WITH A NEW FEE SCHEDULE***

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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



# CONWAY COMPASS

## DEVELOPMENT REGULATIONS



**CODE SUMMARY**  
2025



# SUMMARY OF CHANGES

## 1.1: Section 305.3 - Lot, Yard, and Height Regulations

### Comments

- 1) Added distinction between Maximum Building Coverage and Maximum Lot Coverage in area chart to deal with differences in the two between Article 3 and Article 10.

## 1.2: Section 306.4 - Lot, Yard, and Height Regulations

### Comments

- 1) Added distinction between Maximum Building Coverage and Maximum Lot Coverage in area chart to deal with differences in the two between Article 3 and Article 10.

## 1.3: Section 307.3 - Lot, Yard, and Height Regulations

### Comments

- 1) Added distinction between Maximum Building Coverage and Maximum Lot Coverage in area chart to deal with differences in the two between Article 3 and Article 10.

## 1.4: Section 309.3 - Lot, Yard, and Height Regulations

### Comments

- 1) Added distinction between Maximum Building Coverage and Maximum Lot Coverage in area chart to deal with differences in the two between Article 3 and Article 10.

## 1.5: Section 310.3 - Lot, Yard, and Height Regulations

### Comments

- 1) Added distinction between Maximum Building Coverage and Maximum Lot Coverage in area chart to deal with differences in the two between Article 3 and Article 10.

## 1.6: Section 1007.4/Article 4 - Off-Street Parking Standards

### Comments

- 1) Complete overhaul of this section as it is merged with Article 4 to eliminate existing conflicts between the standards in Article 4 and Article 10.
- 2) Moved Article 4 to Article 9 to be closer for reference to Article 10 standards.
- 3) Section 901 (NEW LANGUAGE) – This section was designed to mirror the requirements of when development review applies to link parking improvements with development review.
- 4) Section 902 (NEW LANGUAGE) – Adds a standard for when parking can be indicated as being established for enforcement purposes. Provides flexibility for temporary parking.
- 5) Section 903 (NEW LANGUAGE) – Built in flexibility for nonresidential parking to let market based determinations for when necessary. Adjusted residential parking based on unit type and aligned parking requirements to align with state law. Referenced requirements for ADA parking.
- 6) Section 904 (NEW LANGUAGE) – Simplified the parking lot design requirements to make compliance easier to understand and apply. Added requirement for pedestrian connection between street and front door of business for ADA users.
- 7) Section 905 (NEW LANGUAGE) – Provided for more options when providing parking in excess of maximum allowed. Formalized standards for paving standards to expressly allow fenced storage areas to be gravel.
- 8) Section 906 (NEW LANGUAGE) – Simplified language for shared parking agreements.
- 9) Section 907 (NEW LANGUAGE) – Formalized paving requirements for driveways and provided exemptions for paving on single-family/two-family driveways over 50' in length. Strengthened access management standards on Major Arterials. Simplified requirements for cross access and joint access.

- 10) Section 908 (NEW LANGUAGE) – Greatly simplified the requirements for off-street loading to allow requirements on a case by case basis.

## 1.7: 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 of and visitors to the City of Conway,*
- B. *To preserve property values on both the site being developed as well as surrounding properties,*
- C. *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,*
- D. *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,*
- E. *To encourage safety and freedom from crime for the city's citizens,*
- F. *To protect and enhance the city's appearance, identity, and economic vitality,*
- G. *To address environmental concerns which the city may identify as having a detrimental impact on its residents, and*
- H. *To responsibly balance the right to private development with the desire to maintain the quality of, access to, and benefits provided by all public areas within the city.*

### Comments

- 1) Removed references to property values and other nebulous goals.
- 2) Tied purposes more directly to police power authority and adopted regulations.

## 1.8: Section 1002 - Scope

*Development Review shall apply only to that construction, modification, renovation, or expansion which requires a building permit prior to development.*

*Development Review shall apply to all development allowed through a conditional use permit in all zones. Development Review shall apply to all other development only in the zones listed below:*

<i>MF-1 Multi-Family District</i>	<i>C-1 Central Business District</i>
<i>MF-2 Multi-Family District</i>	<i>C-2 Neighborhood Commercial District</i>
<i>MF-3 Multi-Family District</i>	<i>C-3 Highway Service &amp; Open Display District</i>
<i>RMH Mobile Home District</i>	<i>I-1 Intermediate Industrial District</i>
<i>O-1 General Office District</i>	<i>RU-1 Restricted Use District O-</i>
<i>2 Quiet Office District</i>	<i>I-3 Intensive Industrial District</i>
<i>O-3 Restricted Office District</i>	<i>PUD Planned Unit Development</i>
<i>S-1 Institutional District</i>	

*An applicant shall obtain Development Plan Approval from the Planning Director for the following types of development:*

- A. *All new principal buildings for all multi-family and non-residential uses.*
- B. *All new parking areas for all multi-family and non-residential uses.*
- C. *All expansions to gross floor area to any existing site structures by the lesser of twenty percent (20%) or two thousand (2,000) sq. ft.*
- D. *The expansion of any lot coverage area*
- E. *Any expansion or change to the use of a site, as determined by the Planning Department, Planning Commission, and/or City Council.*
- F. *Outdoor seating at eating and drinking establishments.*



G. *NOTE ON EXPANSIONS: Areas of new construction within a pre-existing development shall be required to meet all provisions of this Article. The pre-existing areas of the development will likely be exempt from meeting all provisions; however, they may be required to meet some amount of these standards based upon an assessment of the project by the Planning Director and the determination of a rough proportionality.*

H. *Exemptions:*

1. *No single family dwelling unit or associated accessory building allowed by right in its respective zone and with a density of one dwelling unit per lot or parcel, whether stick built or pre-manufactured, shall be subject to Development Review.*
2. *No duplex or associated accessory building allowed by right in its respective zone and with a density of one duplex per lot or parcel shall be subject to Development Review.*

#### Comments

- 1) Removed duplicative language on what triggered Development Review with requirements remaining much the same.
- 2) Change of use review now only applies to residential to nonresidential or to a change in occupancy that requires site improvements. This is intended to allow easier reuse of buildings.
- 3) Eliminated outdoor seating from triggering development review.
- 4) Changes to CUP process now make provisions on Development Review for CUPs unnecessary.
- 5) Exempted ADUs from Development Review consistent with state law.
- 6) Created a Small-Scale Development and Large-Scale Development types
- 7) Added a section on scope of compliance to more directly indicate what is required for compliance on expansions vs. new construction. Makes clearer when certain improvements are required.

## 1.9: Section 1003 - Procedures for Development Review

### 1003.1 – OVERVIEW

*The time frame required for development approval will rely mainly on the size of the project, the quality of the plans submitted, and the time the City awaits re-submittal of plan corrections and revisions. The City of Conway makes no guarantee or representation as to any period of time which may be necessary in order to review and/or approve a given development plan. Submittals will be reviewed on a first come, first served basis, but always in a timely manner.*

#### Comments

- 1) Reworked language to describe the Development Review process.

### 1003.2 – PRELIMINARY CONFERENCE

*All applicants, or a representative thereof, are required to meet at least once prior to application submittal with a representative from the Planning Department to discuss basic plan requirements, existing site features, architectural design, concurrency with other projects in the surrounding area, compliance with the Comprehensive and Master Street Plans, neighboring traffic patterns, and/or any other factors which may impact or be impacted by the proposed development. It is advised that the applicant bring drawings and/or photographs depicting the proposed layout, building material samples, as well as any existing features of the property, to include all structures and vegetation. The applicant may desire more than one conference, whether prior to or after application submittal.*

#### Comments

- 1) Simplified the language.

### **1003.3 – DEVELOPMENT REVIEW SUBMITTAL**

*The following items are required for Development Review Approval:*

- A. *A Plat of Record for the property being developed, filed with the Faulkner County Circuit Clerk, and in accordance with City of Conway Subdivision Ordinance*
- B. *A completed and signed Development Review Application (Form No. DR-03)*
- C. *A completed Development Review Checklist (Form No. DR-04)*
- D. *All site development plans*
- E. *Verification of payment of all associated fees, bonds, charges, and debts*
- F. *Any required traffic engineering study, as determined by the City Engineer*
- G. *General statement of character and intent of use of the development*
- H. *Submissions must include all supporting documentation, including, but not limited to the following: variances, deeds, access agreements, and conditional use permits.*

*Submissions must be made to the City of Conway Planning Department in accordance with the Planning Commission calendar.*

#### **Comments**

- 1) Provided the required submittals in a table form.
- 2) SSD eliminates requirement for Drainage Calcs and Grid Photometric Plot for small sites.
- 3) Eliminated language that required submission of applications according to a certain review period. This is not followed.

### **1003.4 – PLANNING DEPARTMENT STAFF REVIEW**

*Development will be reviewed for both general and specific standards, along with all federal, state, county, and city regulations that can be reviewed at the city level. The Planning Department has ten (10) working days from the application date to conduct a preliminary review and then provide the applicant a response.*

#### **Comments**

- 1) Extensively reworked this section and combined with Section 1004 and 1005.
- 2) Now complies with/acknowledges SB322.
- 3) Establishes a more realistic timeline for review comments from 10 to 15 days. Generally, these standards can't be met due to complexity of engineering issues.
- 4) More directly described how the actual review process works.
- 5) Provides for the autodenial of long dormant applications after 3 months of no revisions. Applicant make ask for an extension.
- 6) Provides a specific standard of approval and requires a finding in support to approve plans.
- 7) Appeals are now direct to City Council instead of Planning Commission.
- 8) Allows for concurrent review of building permits in limited circumstances.
- 9) Provides standards for when a TCO can be issued and how long they can continue for.
- 10) Makes clear the process for obtaining a CO or CC on a development.
- 11) No longer allows extensions of approval in perpetuity. Maximum possible extension is six years.
- 12) Clarified post approval change requirements.

## 1.9 : Section 1004 - Development Approval and Permitting

- A. *Approved development plans are valid for twenty-four (24) months from the date of approval. If after that period of time, all necessary permits for construction are not yet obtained, the development plan approval shall be considered null and void. Upon plan expiration, plans are required to be re-submitted for review. Re-submittal of an expired plan shall require evaluation as if the project were new, to include current standards, regulations, and conditions in the area, as well as payment of all fees in accordance with current fee schedule. Extensions may be granted annually by the Planning Director only so long as no change to the previously approved development plan is desired.*
- B. *No building permit shall be issued for any development subject to Development Review prior to approval of the site plan.*
- C. *Failure to build-out the development according to the approved drawings, information, plans, documents, or any and all approved amendments thereto shall render the development approval and the building permit null and void. The Planning Director shall have final authority to determine if the development conforms to all approved elements of the site plan.*
- D. *The Permits and Inspections Department shall reserve the right to deny or revoke the issue of the Certificate of Occupancy for any structure on a given site when any part of that site does not comply with the approved site plan.*
- E. *In the event that a landowner wishes to abandon an approved development plan or any section thereof, said landowner should so notify the Planning Director in writing.*

### Comments

- 1) See comments on Section 1003.4.

## 1.10 : Section 1005 - Development Review Appeals

*All appeal requests shall be submitted by use of a Development Review Notice of Appeal (DR-05), available from the Planning Department. All appeals shall be respectful of only the specific regulation(s), standard(s), or guideline(s) outlined in this article which preclude the approval of a given development plan. Those items shall be identified by the Planning Director and detailed within form DR-05. No additional considerations regarding this article or its content shall be made at any time during the appeals process.*

- A. *Disapproval of a development by the Planning Director may be appealed to the Planning Commission by the property owner by filing a notice of appeal with the Planning Department within thirty (30) days following the Planning Director's decision. The appeal will be placed on the agenda of the next Planning Commission meeting occurring no less than seventeen (17) days after the date of appeal.*
- B. *Disapproval of a development plan by the Planning Commission may be appealed to the City Council by the property owner by filing a notice of appeal with the Planning Department within thirty (30) days following the Planning Commission's decision. The appeal will be placed on the agenda of the next City Council meeting occurring no less than eleven (11) days after the date of appeal.*
- C. *The Planning Commission and/or the City Council may grant an appeal prescribed by this section if, on the basis of evidence submitted within the development plan and the notice of appeal, the commission and/or Council makes the determination that the circumstances detailed in subparagraphs 1, 2, or 3 listed below, as well as all guidelines provided by Section 1006 below, do apply:*
  - 1. *The design principles and/or architectural integrity of an established neighborhood are not diminished or substantially changed based upon the proposed development, or*
  - 2. *The proposed development is in general conformity with the predominant style or is reasonably compatible with a theme of styles present in the neighborhood, or*
  - 3. *The neighborhood is deemed to be transitory in nature, thereby becoming one in which the proposed design or architectural style, if reasonably believed to be replicated within the neighborhood, may lead to a subsequent predominant style.*
- D. *Following approval of the development plan by the Planning Director or the Planning Commission or the City Council, construction may proceed if all other city requirements have been met.*
- E. *A Development Review appeal fee of two-hundred fifty dollars (\$250) shall be submitted with the Development Review notice of appeal.*



## Comments

- 1) See comments on Section 1003.4.

### 1.11 : Section 1006 - General Development Review Guidelines

*This section sets forth various aesthetic and functional provisions with the intention of serving as a general guide to development within the city. During the course of Development Review, plans shall be reviewed to determine if the development proposal demonstrates a satisfactory quality of design in its structures and its site, the appropriateness of the building or buildings to the intended use, and the harmony of the development to its surroundings. "Satisfactory design quality" and "harmony" pertain to, among other things:*

- A site which is capable of accommodating the proposed development.*
- Ensuring that proper attention is paid to site and architectural design, thereby protecting land values.*
- A plan for the site that is consistent with the City's generally accepted practices and goals of land use planning, site engineering, aesthetic design principles, and landscaping.*
- Encouraging development which is in keeping with the desired character of the City, the desired character of a given neighborhood, and/or specific design attributes identified in area plans adopted by the City (overlay districts, historic districts, etc.).*
- Ensuring physical, visual, and functional compatibility between uses.*
- Landscaping that not only meets city standards, but also serves to enhance the visual appearance of the city, provide transition zones between varying land uses, break up large areas of impervious surface, create a barrier to and relief from traffic, noise, heat, glare, and odor, and promote energy efficiency and conservation in site design and building construction.*
- Ingress, egress, internal traffic circulation, off-street parking facilities, cross accesses, and pedestrian and cyclist ways that are designed so as to promote safety and convenience, conform to approved city standards, and enhance curb appeal.*
- An adequate street system to provide access to the project without unduly stressing the carrying capacity of that system.*
- A plan that represents an overall development pattern that is consistent with the Comprehensive Plan, the Master Street Plan and other adopted planning policies.*

*The Planning Director may apply the above general design guidelines with some flexibility in their application to specific projects, as not all design criteria may be workable or appropriate for each project. In some circumstances, one guideline may be relaxed to facilitate compliance with another guideline determined by the review authority to be more critical in that particular case.*

*Designers and developers are urged to recognize that the guidelines, regulations, and recommendations detailed throughout this document are minimum standards and true excellence may lie beyond them. No claim can be made that the following standards encompass every possible technique for achieving a high level of design quality. The designer is encouraged to use his or her own creativity, judgment, and experience to improve upon these methods, not simply to achieve individual objectives, but also make a positive contribution to the city.*

## Comments

- 1) Removed this language due to its highly subjective nature.

### 1.12 : Section 1007 - Development Standards

*In order to achieve the above listed general development review guidelines, the following standards shall apply to all developments subject to Development Review:*

#### **1007.1 – SITE CHARACTERISTICS AND GENERAL REQUIREMENTS**

- 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.*
- Developments requiring hillside excavation shall adhere to all standards of Ordinance O-06-67, and all amendments.*
- Projects adjacent to parks, plazas, and other public outdoor amenities should be oriented toward those areas.*
- Generally accepted best practices shall be adhered to in order to prevent soil erosion and siltation of the given site's*

watershed.

- 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. *Smoke, soot, particulates, and/or other discharges into the air shall not exceed the levels established by any state or federal environmental agencies.*
- H. *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 City Engineer may prescribe specific routes for the ingress and egress of dumptrucks, haulers, and other pieces of construction equipment which may otherwise create an adverse impact to the traffic flow along adjacent corridors.*

#### Comments

- 1) Removed unnecessary language such as references to smoke and soot.
- 2) Strengthened ties to the city's stormwater ordinances and drainage requirements.

#### **1007.2 – SITE COVERAGE**

*A maximum of eighty percent (80%) of the development site may be covered by impervious surface. This number is derived by adding the total gross floor area (GFA) with the total lot coverage area (LCA), as measured in square footage (ft<sup>2</sup>), then dividing that sum by the site area (ft<sup>2</sup>). The formula is detailed below:*

*$(GFA + LCA) \div \text{Site Area} = \text{Percent Impervious Surface (\%)}$*

*A minimum of twenty percent (20%) of the total area of the site, as measured in square footage (ft<sup>2</sup>), shall permanently remain a pervious surface. The C-1 Central Business District is exempt from this requirement.*

#### Comments

- 1) This provision has been moved into Article III and tailored to each unique Zoning District.

#### **1007.3.A – STANDARDS AND CONCEPTS FOR DESIGN AND ARCHITECTURE**

##### Massing and Harmony

- 1. *Developments which encompass more than one (1) building should incorporate a recurring, unifying, and identifiable theme for the entire development site.*
- 2. *Development shall support the desired character of the City, the favored theme of a given neighborhood, and/or specific design attributes identified in given areas or districts. It is generally encouraged that in residential areas structures utilize pitched roofs similar to those on most homes, whereas in urban areas flat roofs are more appropriate.*
- 3. *Key design elements and how they relate to those of surrounding buildings including, but not limited to windows, doors, façade design, detailing, roof forms, exterior materials, and colors, all with area ratios and proportions similar to those on adjoining buildings.*
- 4. *Non-residential buildings sharing street frontage with residentially developed properties should maintain a residential character.*

#### Comments

- 1) This language has been fully removed.

## **1007.3B – STANDARDS AND CONCEPTS FOR DESIGN AND ARCHITECTURE**

### Size and Shape

1. *Buildings shall avoid long uninterrupted façade planes and/or blank walls. The façade planes of the exterior walls shall be varied in depth and/or direction.*
  - a. *The maximum permitted length of an uninterrupted façade plane shall be thirty-five (35) feet for buildings twenty-thousand (20,000) square feet or less.*
  - b. *The maximum permitted length of an uninterrupted façade plane shall be fifty (50) feet for buildings greater than twenty-thousand (20,000) square feet.*
  - c. *The maximum permitted length of an uninterrupted façade plane shall be one hundred (100) feet for buildings greater than fifty-thousand (50,000) square feet.*
  - d. *Differing colors (other than paint), materials, and textures, when used in concert with one another, may be considered façade interruptions. In addition to vertical elements such as pilasters, horizontal façade elements are required to create more interesting and pleasing building facades. These horizontal elements can be created through the use of color or paint, differing textured masonry materials and/or masonry coursing bonds. Contrasting colors and/or paint changes shall be used (except as outlined in the next sentence) along with differing masonry surface treatments or textures. Differing “raised” masonry surfaces in higher value masonry such as brick, stone, or cast stone can be used to create horizontal banding. When using lower value masonry such as split face block or precision block substantially contrasting colors shall be used even with “raised” surfaces or textures. However, color or paint variation alone is not sufficient in creating the desired horizontal features.*
  - e. *In addition to the above horizontal elements, architectural treatments may include, but not be limited to, windows, doors, pilasters, variations in the roof line or parapet wall, archways, columns, building wall recesses, and wall projections. These types of treatment shall be used to break up the mass of a single building into distinct components, while continuing to maintain an overall rhythm similar to surrounding buildings.*
2. *Architectural treatments which may include, but not be limited to, windows and doors, pilasters, variations in the roof line or parapet wall, archways and columns, and building wall recesses. These types of treatment shall be used to break up the mass of a single building into distinct components, while continuing to maintain an overall rhythm similar to surrounding buildings.*

### **Comments**

- 1) These provisions were greatly simplified and largely only deal with articulation requirements on facades.
- 2) Created three different façade types: primary, secondary, and rear to allow enhance requirements on primary facades and reduce requirements on rear facades.

## **1007.3C – STANDARDS AND CONCEPTS FOR DESIGN AND ARCHITECTURE**

### Façade Characteristics

1. *Exterior construction materials shall vary in type, form, and color.*
2. *Metal siding, when used as the primary sheathing of the façade, is prohibited when visible from the public realm or residential areas. Other forms of metal, when used as an architectural treatment or aesthetic accent, may cover up to twenty percent (20%) of any facade. Architectural metal percentages may be increased beyond twenty percent (20%) if the material is shown to be durable, aesthetically pleasing, and a cost equivalent substitute for masonry materials.*
3. *Masonry shall occupy no less than fifty-one percent (51%) of any façade of any structure. Brick or brick-like units should be the dominant masonry material. Split face block or other textured concrete CMU block should be used as a base or façade accent. Split face and textured block is limited to no more than twenty-five percent (25%) of*

*a wall face area. Durable fiber cement board, cast concrete, poured concrete, stone, and cultured stone materials are acceptable masonry materials.*

4. *Unpainted, unstained, and/or otherwise untreated precision concrete block is prohibited. Precision concrete block shall be limited to a decorative use only not to exceed ten percent (10%) of the wall façade area and can only be used in contrasting horizontal bands.*
5. *All buildings shall have a defined base and cap.*
6. *“Franchise architecture” is strongly discouraged. “Branding” a structure makes it difficult, if not impossible, to redevelop into another use.*
  - a. *Site-specific architectural design is desired. Rather than adapting a standard design, floor plans and elevations that are unique to the community and are not a corporate or franchise design are encouraged.*
  - b. *The only franchise identifying feature should be minor façade details, and the company's logo and signs.*
  - c. *Please refer to Paragraphs B, C, and D of Section 1006 “General Development Review Guidelines” when making considerations.*
7. *To avoid a monolithic appearance, façade design should attempt to break down buildings into smaller sections, with each section varying in type, material, and/or color.*
  - a. *Rear and side façades shall be similar to the primary façade in their architectural treatment. A façade that is out of view from the public realm may use relaxed building standards; however, any visible area shall be “wrapped” to the degree that adjoining wall treatment is carried around the structure's corner to visibly hide any blank façade.*
  - b. *Blank walls visible from the public realm and residential areas are prohibited. Where blank wall sections are unavoidable due to the requirements of a particular land use or structural needs, they shall receive special design treatments to increase visual appeal and interest. Methods to decrease blank wall impact include, but are not limited to: lush vegetation in front of the wall (such as a trellis with climbing vines or other planted materials like evergreen trees and shrubs), enhanced decorative masonry patterns, setbacks, projections, indentations, or intervals of material change to break up a wall's surface. These methods shall be approved through the development review process.*

## Comments

- 1) Totally reworked with a focus on material class and not brick to encourage architectural diversity.
- 2) Less nebulous language and more objective standards.
- 3) Various materials were classified by quality in consultation with the advisory committee.
- 4) Percentages of allow materials are varied by façade type with an intent toward greater flexibility in applying and conforming to the standards. There is no longer a requirement for 50% brick.
- 5) More allowances for metal panels and restrictions on use of EIFS.

## 1007.4A – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING

### Association, Relation, and Integration

- 1) *The development plan shall take into account all public streets, highways, and sidewalks which provide access to the site. The development shall be designed so as to sufficiently and adequately provide for the safe ingress and egress of all forms of traffic.*
- 2) *The traffic patterns on to, within, and off of the site shall be coordinated with preexisting traffic patterns so as to compose a safe and convenient system.*
- 3) *There shall be proper arrangement of streets within the site and in relation to other existing and planned streets (or with the features of the Comprehensive Plan or Master Street Plan) such that the development of the site shall not endanger public safety or welfare and shall promote public convenience and prosperity.*
- 4) *There shall be access of adequate width from public rights-of-way to each structure on the site for fire, police, and medical emergency vehicles and personnel.*

## Comments

- 1) See 1.6 for changes with this section.

### **1007.4B – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING**

#### Access Requirements

- 1) *Curb Cuts (Accesses)*
  - a. *Curb cuts shall be a minimum of twelve (12) feet in width and a maximum of forty (40) feet in width.*
  - b. *Curb cuts shall be no less than one-hundred (100) feet apart.*
  - c. *For lots having two-hundred and forty (240) feet of street frontage or more, curb cuts shall be no less than one-hundred (100) feet from the closest side lot line.*
  - d. *No curb cut shall be within one hundred and twenty-five (125) feet of any intersection.*
  - e. *Curb cuts shall be coordinated with existing or planned median openings and shall, where possible and reasonable, line up with driveways or streets on the opposite side of the roadway.*
- 2) *Joint Access*
  - a. *For lots having less than two hundred and forty (240) feet of street frontage, joint access with the adjoining property owner(s) shall be required.*
  - b. *The two adjacent property owners shall enter into a joint-access agreement whereupon they will share a single driveway which is ideally, but not necessarily along their common property line.*
  - c. *Parcels which cannot comply immediately due to undeveloped adjoining property or lack of a preexisting joint-access agreement and/or easement may be allowed a temporary curb cut at a location designated by the Planning Director. This temporary curb cut shall be contingent on the property owner providing all of the following:*
    - i. *A joint-access easement, depicted on the site plan, with a width of no less than twelve (12) feet and no greater than forty (40) feet.*
    - ii. *A signed joint-access agreement with the deed allowing a shared driveway or service drive along the desired adjoining property line.*
    - iii. *Record of a joint maintenance agreement defining maintenance responsibilities of each property owner.*
  - d. *Temporary curb cuts shall be closed provided that easements, agreements, and improvements providing joint access are secured upon future neighboring development.*
- 3) *Cross Access*
  - a. *All parking lots for non-residential properties shall have at least one vehicular connection to all adjacent properties.*
  - b. *A continuous service drive, or cross-access corridor, extending up to the entire length of each block, shall be provided where necessary to ensure that curb cut separation remains consistent with the standards outlined in "1." above.*
  - c. *A design speed of ten (10) mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles; required minimum width of twenty (20) feet and maximum width of forty (40) feet.*
  - d. *Stub-outs and other design features shall be required to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive. Stub-outs shall be required so that cross access to abutting properties is insured.*
  - e. *All cross accesses should contain landscaping and/or other design features to make them visually obvious to traffic as a service corridor.*
  - f. *A unified access and circulation system plan that includes coordinated or shared parking areas should be offered wherever feasible.*
  - g. *Shared drives shall be required where stipulated by any other City of Conway ordinance(s), previously submitted cross-access and/or joint-access agreements, and/or determinations made by the City Engineer and Planning Director.*
  - h. *Any access management requirements established by any other federal, state, local, regional, or city access management systems or agency must be met.*

## Comments

- 1) See 1.6 for changes with this section.

#### **1007.4C – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING**

##### Driveway Throat Length

1. *Driveway entrances/exits shall be designed to prevent a back-up of vehicles waiting to egress onto the adjacent street. The depth of the formal entrance way, where vehicles may queue without interfering with traffic circulation, is referred to as the “throat length.” The length of this “throat” is particularly important for businesses that generate a high number of vehicle trips per day.*
2. *Throat length should be determined on a case-by-case basis, but generally varies according to the number of trips generated by the land use and the available area for constructing the driveway throat. A traffic impact study based on peak hour demand is the best way to determine the extent of potential queuing problems and how best to resolve them.*
3. *Due to the dynamic nature of traffic patterns, the Planning Director and/or City Engineer working in coordination with the project engineer shall make all driveway throat length determinations based upon the characteristics of each given site.*

##### **Comments**

- 1) See 1.6 for changes with this section.

#### **1007.4D – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING**

##### Right Turn Deceleration Lanes

1. *A dedicated right turn lane is often necessary when the right turn volume exceeds seven hundred fifty (750) vehicle trip ends per day and/or the development fronts an arterial with a speed limit greater than forty-five (45) mph.*
2. *In most cases, only moderate to large-scale developments would warrant a right turn lane. However, certain circumstances may make the addition of a deceleration lane necessary, even in situations where a development generates less than seven hundred fifty (750) vehicle trip ends daily.*
3. *On lower volume driveways or in areas with limited right-of-way, tapers may be required to help remove turning vehicles from the roadway more quickly. Tapers may be most useful in rural areas, where speeds are high and volumes low.*
4. *The Planning Director and/or City Engineer working in coordination with the project engineer shall make this determination based upon the characteristics of a given site.*

##### **Comments**

- 1) See 1.6 for changes with this section.

#### **1007.4.E.1 – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING**

##### Orientation:

- a. *Parking areas located in the front setback or between the principal structure and any public street, including corner lots are strongly discouraged. Parking should be provided to the side and rear of the building, with no more than one (1) parking aisle on the side of any structure. Any available and allowed on-street parking shall be exempt from this requirement.*
- b. *Continuous access, head-in parking is not permitted as off-street parking. Vehicles shall not back out onto public streets.*



- c. *It is recommended that primary entry drives on large-scale developments include a minimum six (6) foot wide landscaped median to separate incoming and outgoing traffic.*

#### Comments

- 1) See 1.6 for changes with this section.

#### **1007.4.E.2 – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING**

##### *Design:*

- a. *Parking lots shall be designed with a hierarchy of circulation:*
  - i. *Major access drives with no parking, framed by use of one or more of the following: building facades, sidewalks, low walls, trees, and/or shrubs. Maximum of forty (40) feet in width.*
  - ii. *Major circulation aisles with little or no parking, generally adjacent to the building(s) being served, and typically wide enough to allow for drop-offs and pick-ups. Maximum of thirty-four (34) feet in width.*
  - iii. *Narrower parking aisles to reduce speeds and allow for direct access to parking spaces. Maximum of twenty (20) feet in width.*
- b. *To break down large expanses of paved surface, parking areas with greater than forty-eight (48) spaces shall be organized into a series of smaller modules of no greater than forty-eight (48) spaces each. Parking areas within large-scale developments may incorporate up to ninety-six (96) spaces per module. These modules should be separated and defined by circulation aisles and landscape strips and/or islands consisting of trees and low shrubs.*
- c. *Bicycle Parking Space Size, Access Aisles, and Vertical Clearance*
  - i. *Required bicycle parking spaces shall be at least two (2) feet by six (6) feet each.*
  - ii. *An access aisle of at least five (5) feet shall be provided in each bicycle parking facility.*
  - iii. *Such areas shall have a vertical clearance of at least six (6) feet.*
- d. *The “Inverted U” bike rack, at a minimum of thirty inches (30”) in width, shall be the required bicycle parking rack throughout the City of Conway, although other racks may be proposed provided that they meet the following performance requirements:*
  - i. *Support the frame of the bicycle and not just one (1) wheel*
  - ii. *Allow the frame and one (1) wheel to be locked to the rack when both wheels are left on the bike, as well as allow the frame and both wheels to be locked to the rack if the front wheel is removed*
  - iii. *Allow the use of either a cable or U-shaped lock*
  - iv. *Be securely anchored to the ground or building so as to prevent the rack from being removed*
  - v. *The surfacing of such facilities shall be designed and maintained to be mud and dust free.*

#### Comments

- 1) See 1.6 for changes with this section.

#### **1007.4.E.3 – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING**

##### *Location of Parking Areas*

- a. *Off-street parking shall be located within one thousand (1,000) feet of the structure to be served, measured as a straight line between the nearest points of the parking area and the structure.*
- b. *Off-site Parking*
  - i. *If off-site parking areas are provided, they shall provide a complete pedestrian infrastructure connecting the parking area and the structure being served.*
  - ii. *Off-site be located on property zoned to allow the same principal use as said structure.*
- c. *All off-street parking areas shall have direct access to a street or alley.*
- d. *Bicycle parking areas shall be visible, secure, accessible, easy to use, and convenient.*



- i. Cyclists should easily spot short-term parking when they arrive from the street. A highly visible location discourages theft and vandalism. Avoid locations “off to the side” or “around the corner.”
- ii. The parking area should be convenient to building entrances and street access, but away from normal pedestrian and auto traffic. Avoid locations that require bicycles to travel over stairs.
- e. For security, locate bicycle parking within view of passers-by, retail activity, or office windows. These areas should also be well lit for theft protection, personal security, and accident prevention.

## Comments

- 1) See 1.6 for changes with this section.

### 1007.4.E.4 – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING

*Required Spaces: The purpose of required parking is to provide a sufficient number of spaces which accommodate the majority of traffic generated by the range of uses which might locate at a given site over time. In response to this long-term emphasis, the City's required parking numbers correspond to broad use categories, not specific uses.*

- a. Automobiles: category minimums and maximums

Use	Minimum	Maximum
Residential	1.5 spaces per dwelling unit	2.0 spaces per dwelling unit
Lodging	1.0 spaces per lodging room	1.1 spaces per lodging room
Office/Institution	2.8 spaces per 1,000 ft <sup>2</sup>	4.2 spaces per 1,000 ft <sup>2</sup>
Retail/General Business	3.4 spaces per 1,000 ft <sup>2</sup>	4.8 spaces per 1,000 ft <sup>2</sup>
Restaurant	9 spaces per 1,000 ft <sup>2</sup>	12 spaces per 1,000 ft <sup>2</sup>
Industry	0.6 spaces per 1,000 ft <sup>2</sup>	1.8 spaces per 1,000 ft <sup>2</sup>

- b. Deductions shall be applied to the above requirements for structures exceeding 10,000 square feet

Square Feet	Percent of Total
10,001 ft <sup>2</sup> – 20,000 ft <sup>2</sup>	95%
20,001 ft <sup>2</sup> – 30,000 ft <sup>2</sup>	90%
30,001 ft <sup>2</sup> – 40,000 ft <sup>2</sup>	85%
40,001 ft <sup>2</sup> – unlimited	80%

- c. On-street parking is generally recommended, except on collector streets and above.
  - i. Any on-street parking spaces located between the two (2) side lot lines of the site and along the same side as the structure being served shall be counted to satisfy all parking requirements.
  - ii. All parking within the public right-of-way shall be considered public parking and maintain no signage or signal which indicates otherwise.

- d. Bicycles: category minimums and maximums

Use	Minimum
Residential	1.0 space per dwelling unit
Lodging	0.1 spaces per lodging room
Office/Institution	1 space per 15 provided parking spaces
Retail/General Business	1 space per 15 provided parking spaces

<i>Restaurant</i>	<i>1 space per 15 provided parking spaces</i>
<i>Industry</i>	<i>1 space per 25 provided parking spaces</i>

- i. *In all cases where bicycle parking is required, no fewer than two (2) spaces shall be required.*
- ii. *After the first thirty (30) bicycle spaces are provided, additional spaces required shall be reduced by one-half (0.5) the aforementioned standards.*
- e. *When certain instances warrant interpretation or refinement based upon specific parking needs, a comprehensive assessment shall be made by the Planning Director, City Traffic Engineer, and/or the Bicycle Advisory Board Program Manager in order to provide a more accurate parking requirement.*

#### Comments

- 1) See 1.6 for changes with this section.

### 1007.4.E.5 – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING

#### Overflow Parking

- a. *Additional “overflow” parking spaces may be approved by the Planning Director for overflow events and seasonal demands, and based upon adequate reasoning.*
- b. *All surface parking spaces provided in excess of the maximum requirement shall be pervious in nature.*
- c. *These parking and access lanes shall use alternate pervious materials (geotextile- reinforced grass areas, mulch-covered gridblocks, porous paving materials, etc.) for the entire overflow area.*
- d. *Standard, non-porous asphalt or concrete, or other impervious materials, shall not be permitted within the overflow area.*

#### Comments

- 1) See 1.6 for changes with this section.

### 1007.4.E.6 – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING

#### Minimum Parking Space and Maneuver Area Dimensions

<i>Specification</i>	<i>Parking Space Type</i>		
	<i>Parallel Spaces</i>	<i>Angled Spaces (45° to 60°)</i>	<i>Right Angle Spaces (90°)</i>
<i>Width</i>	<i>22'</i>	<i>9'</i>	<i>9'</i>
<i>Depth</i>	<i>8'</i>	<i>18'</i>	<i>20'</i>
<i>Maneuver Area</i>	<i>12'</i>	<i>18'</i>	<i>20'</i>

- a. *NOTE: Right angle parking spaces shall not be permitted for use as on-street parking.*

*For on-street parking, the street travel lane immediately adjacent to the parking space(s) shall be regarded as the maneuver area.*

#### Comments

- 1) See 1.6 for changes with this section.

#### **1007.4.E.7 – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING**

##### *Shared Parking*

- a. *In areas where there are two (2) or more differing principal uses, shared parking areas by neighboring properties are highly encouraged and shall be permitted in order to reduce the number of required parking spaces.*
- b. *Shared parking requirements may be further reduced if peak demand periods for proposed land uses do not occur during the same general time periods (i.e. a church and a school).*
- c. *A convenient, visible pedestrian connection between all shared parking areas must be provided and maintained.*
- d. *The availability of off-site parking for all participating developments shall be indicated by directional signs as permitted by Article XII of the City of Conway Zoning Code.*
- e. *Property owners must enter into a shared parking agreement.*
  - i. *Each party identifies specific requirements and maintenance responsibilities. (A shared parking agreement format may be obtained by contacting the Planning Department.)*
  - ii. *This Agreement shall be permanent in nature, approved by the Planning Director, recorded on the title records of each affected property, and filed with both the Faulkner County Circuit Clerks Office and the Conway Planning Department.*

##### **Comments**

- 1) See 1.6 for changes with this section.

#### **1007.4.E.8 – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING**

##### *Pedestrian Circulation*

- a. *Avoid placing primary vehicle access in close proximity to major building entries in order to minimize pedestrian and vehicular conflicts.*
- b. *Clearly defined pedestrian walkways or paths should be provided from parking areas to primary building entrances. Design walkways and parking lots so that pedestrians will not have to cross parking aisles and landscape islands to reach building entries.*
- c. *Raised walkways, decorative paving, landscaping, and/or bollards should be used to separate pedestrians from vehicular circulation to the maximum extent possible. Textured paving should be provided at crosswalks within the project as opposed to a painted stripe designation provided it does not conflict with ADA access requirements.*
- d. *Areas in and around buildings should be designed with the pedestrian in mind. Landscaping and pedestrian scaled elements such as awnings or trellises should be integrated into the elevation and the passageway should be safely lit.*

##### **Comments**

- 1) See 1.6 for changes with this section.

#### **1007.4.E.9 – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING**

##### *Surfacing*

- a. *All parking areas shall be paved with a sealed surface pavement or concrete.*
  - i. *Shall be designed and constructed in accordance with Chapter 9.04 Minimum Standards for Construction of the Conway Municipal Code.*
  - ii. *Shall be maintained so as to prevent dust resulting from continued use.*
- b. *Parking areas shall provide necessary drainage infrastructure and be graded so as to dispose of all surface water which may otherwise accumulate in the area.*

*NOTE: Stormwater runoff from urban impervious surfaces is now the leading cause of nonpoint source (NPS) pollution. Parking lots collect grease, oil, antifreeze, and other vehicle leakage; heavy metals from brake dust; as well as litter, other debris, and pathogens. All of these pollutants are flushed into local waterways by rain and melting snow. The City of Conway is committed to the reduction of NPS pollution. Developers are strongly encouraged to contact the Planning Department to inquire about the various methods available for reducing the detrimental effects NPS pollutants have on our watershed.*

- c. *All parking areas and areas for internal circulation on the site shall be physically delineated by curbing so as to protect adjacent vegetation.*

#### Comments

- 1) See 1.6 for changes with this section.

#### **1007.4.F – CONSIDERATIONS FOR TRAFFIC, ACCESS, PARKING, AND LOADING**

##### Traffic Study

1. *The City Engineer may review the development plan to determine if the developer shall be required to provide a traffic engineering study to include, at a minimum, recommendations for on-site and off-site improvements.*
2. *If such a study is required, it must be submitted, reviewed and approved subject to completion of any needed improvements, prior to approval of the site plan. Approval shall be dependent upon the study showing that the project, with all necessary improvements, will not be the contributing factor in the connecting road system being reduced to a level of service lower than “C” (as identified by American Association of State Highway and Transportation Officials).*
3. *All traffic engineering studies shall be conducted at the developer’s expense.*

#### Comments

- 1) See 1.6 for changes with this section.

#### **1007.5 – 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 areas.*
- B. *All roof-mounted utilities and mechanical equipment shall be screened all on sides (360°) by incorporating screening into the structure utilizing materials compatible with the supporting building.*
- C. *Mechanical equipment over forty-eight (48) inches in height shall meet building setbacks.*
- D. *All mechanical equipment shall be screened in a method sufficient enough to ensure that no adjacent properties are negatively affected by noise generated by the equipment. This is especially critical when projects abut residential uses.*
- E. *Wherever possible, transformers should be placed in a location which maximizes safety and minimizes visual impacts, such as in the side or rear yard. When an ideal location cannot be achieved, the transformers shall be well screened.*  
*NOTE: Ten (10) feet of unobstructed clearance shall be provided for transformer door(s) with five (5) feet of clearance along non-door sides.*
- F. *Other equipment, such as gas meters, electrical meters, cable boxes, junction boxes, irrigation controllers, and roof access ladders, shall be located within a designated utility area. Where this location cannot be achieved, these features shall be designed as an integral part of the building on a rear or side elevation and screened from public view.*
- G. *Reduced pressure zone assemblies (backflow preventers) for landscape irrigation and domestic water shall not be located at visually prominent locations or shall be well-screened with shrubs, berming, or low screen walls.*
- H. *Where utility screening measures interfere with any maintenance or servicing needs, it may be removed at the landowner expense. All screening measures shall meet standards and approval of the respective utility company.*  
*NOTE: All fire hydrants, risers, and alarm panels are exempt from these provisions, and will be located and approved per City of Conway Fire Department requirements.*

## Comments

- 1) Made these standards substantially less complicated with sole focus on requiring screening of ground mounted and roof mounted equipment only.

### **1007.6 – TRASH, REFUSE, AND RECYCLABLE MATERIAL STORAGE**

- A. *All attempts should be made to locate storage areas along the side or in the rear of structures where additional screening can be provided by the structure itself. Locating storage areas in front of the primary façade is strongly discouraged.*
- B. *All trash, refuse, and recyclable material container areas shall be enclosed and/or screened. In no event shall any trash containers be placed within a public street right-of-way or other public property for any length of time more than that required to service them.*
- C. *Buildings located less than fifteen (15) feet from the rear and side lot lines shall include a trash container room for the purpose of housing trash containers and shall be constructed according to the following:*
  - 1. *The container room shall be located only in the side or rear of a building and shall be easily accessible for servicing.*
  - 2. *The container room shall be fully enclosed.*
- D. *Buildings located more than fifteen (15) feet from the rear and side lot lines shall include either a trash container room (as required above), or a trash container (dumpster) enclosure constructed according to the following:*
  - 1. *A fifteen-foot by fifteen-foot (15'x15') prepared surface of four inches (4") reinforced concrete on which the containers will rest, and a ten-foot by fifteen-foot (10'x15') skirt of eight inches (8") reinforced concrete on which the trucks will rest during servicing.*
  - 2. *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. The gate(s) shall be designed with both aesthetics and ease of service in mind.*
  - 3. *The entire enclosure shall be constructed or otherwise treated in a manner so as to correspond to or blend with the structure(s) being served (i.e. brick building = brick enclosure). Enclosures consisting of wood or plastic are strongly discouraged in all cases, as they are often prone to higher maintenance needs.*
  - 4. *All such "dumpster pads" shall require approval by the Conway Sanitation Department.*
  - 5. *A paved surface shall be provided between the trash container enclosure and the street from which the container will be serviced.*
  - 6. *Containers and 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 in the narrowest of alleyways, containers shall be located so as to prevent trash collection trucks from blocking traffic while servicing them.*
  - 7. *Containers and enclosures shall be constructed and situated so that they do not cause nuisance or offense to abutters. Trash enclosures located within twenty-five (25) feet of any residential areas and/or public right-of-way shall include a screen or solid cover to prevent odor and wind-blown litter.*
- E. *The current property owner shall bear the responsibility of maintenance.*
  - 1. *The property owner shall be responsible for maintaining all trash container rooms and enclosures within the boundaries of the site so as to present a healthy, neat, and litter-free appearance.*
  - 2. *Any rooms or enclosures which are in a state of disrepair shall be repaired or replaced within the ensuing thirty (30) day period, from the date of notice, in accordance to the approved development plan.*
- F. *Trash container rooms and 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.*

## Comments

- 1) Made these standards much less complicated to focus on making sure dumpster enclosures are Class I materials and placed away from the street.

### **1007.7 – SERVICE, LOADING, AND STORAGE AREAS**

- A. *All service, loading, and storage areas shall be located and concentrated where they will not create a nuisance for adjacent uses by projection of light, noise, and/or visual clutter.*
- B. *Loading facilities should be located as far as possible from the street and adjacent properties and should not be located*

*in areas visible from any adjacent public or private street, unless screened appropriately.*

- C. *Loading facilities shall be designed as an integral part of the building served and be in the most inconspicuous location.*
- D. *Service and loading areas should be located and designed for easy access by service vehicles, for convenient access by each tenant, and to minimize circulation conflicts with other site uses.*
- E. *Public circulation should not route through loading or service areas. A service yard, by definition, precludes public circulation through it.*
- F. *Service and roll-up doors shall be painted to match the building or trim.*
- G. *Public circulation should not route through loading or service areas. If located adjacent to a residential or institutional area, the following measures shall be taken:*
  - 1. *A minimum landscaped setback of twenty (20) feet shall be provided between the service yard (nearest curb) and the property line.*
  - 2. *A fence or wall shall be built to screen the service yard and shall be constructed to the following standards:*
    - a. *Be of a durable material (i.e. brick or stone masonry, wood, iron, composite, etc.).*
    - b. *Be a minimum five (5) feet in height. The final height shall be determined by the Planning Director based upon specific site criteria so that the intent of this Article is met.*
    - c. *The fence or wall shall avoid a "stockade" appearance.*
    - d. *Fences and walls should be designed with materials and finishes that complement project architecture.*
    - e. *Fences and walls shall be aesthetically and functionally enhanced through the incorporation of columns and piers, vegetation along their base, and "random" variation in plane and direction of at least five (5) feet for every fifty (50) feet of length.*
    - f. *Located to provide an unobstructed landscape strip along the "outside" of the wall or fence (between it and the adjoining residential or institutional property).*
      - i. *Minimum six (6) feet in width.*
      - ii. *Landscaped to the standard of the Interior of Property Lines paragraph of this Article. Generous vegetation is encouraged to soften the appearance and to aid in the prevention of graffiti.*
      - iii. *All maintenance shall be the responsibility of respective property owners. Low- maintenance vegetation is strongly encouraged.*
- H. *Where appropriate, service yards shall include provisions for loading areas, trash containers, storage areas, utility equipment, maintenance equipment or vehicles.*
- I. *All such areas shall be exempt from interior landscaping requirements, but not from setback, perimeter landscaping, and/or pertinent screening requirements.*

#### Comments

- 1) See 1.6 for changes with this section.

#### **1007.8 – 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 area, except barbed wire used for agricultural purposes (should never be used unless it is needed to solve a demonstrated security problem).*
- 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.*

#### Comments

- 1) Added clearview standard.

## **1007.9 – LANDSCAPING**

*The goals of these landscaping requirements are: To enhance the visual appearance of the City; to maintain and protect property values; to provide a better transition between and improve the compatibility of abutting and nearby land uses, particularly as it concerns residential neighborhoods which are adjacent to or in the vicinity of business districts; to provide, within and on the perimeter of parking areas, landscaping that facilitates safe movement of all forms of traffic, breaks up large areas of impervious surface, and provides shade; to assure throughout the City, appropriate barriers to and relief from traffic, noise, heat, glare, and odor; to improve air quality; and to promote energy efficiency and conservation in site design, building construction, and landscaping.*

*The incorporation of plazas, courtyards, pedestrian malls, and other outdoor spaces for people to gather is highly encouraged in all developments.*

*NOTE: The planting of trees and shrubs may be postponed until the next following "planting season." For trees and shrubs, it is recommended that all planting be done during the months of March, April, May, September, October, and November.*

### **Comments**

- 1) Removed references to property values.

### *General Requirements*

1. *All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped.*
2. *Landscaping shall be provided which is sufficient to provide soil stability and suitable 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. *Landscape fabric or erosion blankets should be provided on slopes exceeding fifty percent (50%) while ground cover is being established.*
3. *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 within the ensuing year in accordance to the approved landscaping plan.*
4. *Native species should be used when possible, in order to minimize watering.*
5. *Conway Corporation shall be consulted for all landscape plans which propose plantings within utility easements.*

### **Comments**

- 1) Clarified that requirements don't apply in C-1.
- 2) Clarified requirements on soil stabilization.

### *Preservation*

1. *It is strongly encouraged the all landscaping plans attempt to incorporate existing on-site landscape features and vegetation.*
2. *Preservation shall be the first, best, and standard approach.*
  - a. *All existing landscape features and vegetation shall be displayed on a sketch or drawing to be submitted with Development Review application.*
  - b. *Concerned parties shall discuss methods for preserving these identified features during the preliminary conference.*
3. *Where possible and reasonable, existing mature, "significant" trees, rock outcroppings, and riparian corridors shall be preserved and incorporated into landscape plans.*
4. *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, so long as the existing plant material meets the purpose and intent of said requirements.*

#### Comments

- 1) Simplified language.

#### *Structure Landscaping Requirements*

1. *There should be a landscape strip around the base of all structures on the site. This strip should have a minimum width of three (3) feet, exclusive of sidewalks or driveways which cross at a generally perpendicular angle.*
2. *It is encouraged that any strip be planted with vegetation dense enough to sufficiently lessen the impact of an otherwise bulky appearance where a structure meets the ground. This is typically based upon the overall bulk of the structure. The structure landscaping strip should be increased in width and planting density as necessary to meet its intent. This is most often based upon the overall bulk and scale of the structure.*

#### Comments

- 1) Removed.

#### *Sign Landscaping Requirements*

1. *There shall be a landscaped area around the base of all ground-mounted signs for the site (typically the monument and two-pole styles, regardless of being off-premise or on-premise). This strip shall have a minimum width of either four (4) feet or one-half (1/2) the sign height, whichever is greater.*
2. *It is required that the strip be planted with vegetation dense enough to sufficiently lessen the impact of an otherwise bulky appearance where the sign meets the ground.*
3. *The sign landscaping strip should be increased in width and planting density as necessary to meet its intent. This is most often based upon the overall bulk and scale of the sign.*

#### Comments

- 1) To be moved to Article XII.

#### *Site Perimeter Landscaping Requirement*

*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 site setbacks. No parking or paving shall be permitted within this landscape buffer except sidewalks and driveways. Any driveways must cross the buffer at a generally perpendicular angle.*

1. *Street Frontages*
  - a. *A minimum landscaped area of either ten (10) feet or five percent (5%) of the average lot depth, whichever is greater, shall be provided along all property lines abutting any street, exclusive of right-of-way. The maximum width for any project shall be forty (40) feet.*
  - 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.*
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 areas. 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 area.*

- 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.*

## Comments

- 1) Simplified the buffer requirements to be standardized and not variable.

## Parking Lot Landscaping and Screening

*NOTE: Service, Loading, and Storage areas not visible from the public realm or residential areas (generally those located in the rear of structures) shall be exempt from the requirements set forth by this Paragraph.*

- 1. *Parking areas and cars should not be the dominant visual element of the site or streetscape.*
- 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.*
- 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.*
  - 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, or mulched. Applicants are required to plant additional shrubs, annuals, perennials, ornamental grass, and/or groundcover.*
  - 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.*
- 4. *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.*
- 5. *Internal landscaping should be aligned to create "green edges" necessary to define access, circulation, and parking areas.*
- 6. *All parking lots shall be screened in order to ensure that no light trespass or glare is directed onto surrounding residential properties or rights-of-way. Screening measures shall be instituted in accordance with the standards below, exclusive of access driveways and sidewalks:*
  - a. *Any screening measure shall be a minimum of thirty-six (36) inches above the highest of the average final finish elevation of the adjacent street, the parking lots, and the ground floors of all structures on the site.*
  - b. *Where earth berms are used, they shall conform to the following:*
    - i. *Berms shall be gently rolling in nature, undulate so as to appear natural and not manmade, and have a maximum slope ratio of 3:1 (horizontal run to vertical rise) and a recommended slope of 4:1.*
    - ii. *Where a berm does not reach the minimum required screening height, additional screening measures shall be necessary.*
  - c. *Where shrubs are used they shall be evergreen in nature, be at least thirty (30) inches tall at the time of planting, and be spaced closely enough together so as to create a seamless row of hedging.*
  - d. *Where fences or walls are used they shall be no more than four (4) feet in height and be constructed from a durable material (i.e. brick or stone masonry, wood, iron, composite, etc.).*

- i. Any desired fence or wall shall avoid a “stockade” appearance.
- ii. Fences and walls should be designed with materials and finishes that complement project architecture.
- iii. Fences and walls shall be aesthetically and functionally enhanced through the incorporation of columns and piers, as well as “random” variation in plane and direction of at least five (5) feet for every fifty (50) feet of length. Generous vegetation is encouraged to soften the appearance and to aid in the prevention of graffiti.
- e. Screening shall not be implemented in a manner which impairs the sight lines of drivers entering, leaving or maneuvering through the site.

*NOTE: It is strongly encouraged that all screening measures incorporate a combination of various techniques, including earthen berms, retaining walls, semi-opaque walls and fences, and an assortment of plant materials in order to enhance the screening function while offering this buffer area a natural, aesthetically appealing appearance.*

## Comments

- 1) Simplified language.
- 2) Allow for use of stone/rock in parking lot islands.
- 3) Allowance for LID standards.
- 4) Limit wall materials to brick, stone, split-faced block, or material approved by Administrative Official.

## 1007.10 – 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 including poles, standards, hangers, light fixtures, reflectors, shields, and lamp (including and their wattage, color, height, and lumen output) shall be submitted with the development plan for review and approval.*

- 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.
- B. The maximum height of any light source (bulb), regardless of the method for mounting, shall not exceed twenty-five (25) feet. In large-scale developments, the maximum height of any fixture shall be forty (40) feet.
  - 1. Fixtures shall be appropriate in size and scale for the surrounding area.
  - 2. Fixtures shall not exceed the height of adjacent structures.
- C. Unshielded wall packs and floodlights are not permitted.
- D. Commercial outdoor lighting shall be used for safe pedestrian passage and property identification only during active business hours.
  - 1. All non essential lighting shall be turned off within one-half (1/2) hour after the close of business and/or when not in use.
  - 2. Lights that are controlled by photocells and timers are highly encouraged.
- E. 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.
  - 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. All fixtures shall be installed so that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below a horizontal plane which is parallel to the ground surface.
  - 3. No light source (bulb) should be directly visible from any point off of the property or any roadway.
  - 4. All signs lit by an external source where any lamp is rated higher than sixty (60) watts incandescent, shall be lit by a top-mounted “RLM” type fixture.
  - 5. Light levels at the property line shall not exceed 0.5 footcandles when adjacent to other non- residential areas,

*and 0.1 footcandles when adjacent to any residential area, as measured five (5) feet above the ground.*

*F. Bulb Type*

- 1. High-Pressure and Low-Pressure Sodium are highly recommended due to their low energy consumption and long lamp life.*
- 2. Metal Halide, due to their higher energy consumption, are generally recommended only as commercial outdoor lighting where white light with good color rendition is required or simply desired, such as car dealer display lots, sports lighting, and service station canopies.*
- 3. Mercury Vapor lamps, due to their higher operating costs, increased energy demands, extremely poor color rendition, and greater contribution to light pollution, are strongly discouraged.*
- 4. Incandescent and/or florescent are most recommended for motion activated fixture as well as low-intensity needs, such as entryways.*

*G. Fixtures should be architecturally compatible with, and designed to compliment, the principle structure and surroundings.*

*H. All proposed fixtures shall be shown on the landscape plan.*

**Comments**

- 1) Removed references to bulb type and focused language on light limits as the central standard.

**1007.11 – SIGNS**

*All signage shall adhere to the guidelines and regulations detailed within Ordinance O-96-60 and all amendments thereto (Article XII, City of Conway Zoning Code), all overlay district regulations which may apply, and any and all other current laws pertaining to signage. All sign concepts for new construction shall be considered during the design of the site and structures, so that signs and graphics can be integrated into the architecture of the project. Sign styles, size, height, scale, colors, location, and material shall strongly relate to the design of the structures.*

**Comments**

- 1) Removed.

**1007.12 – EXTERIOR SEATING AND EATING AND DRINKING ESTABLISHMENTS**

- A. Outdoor seating for eating and drinking not covered by permanent roof structure.*
- B. Shall be allowed for up to fifty percent (50%) of the establishment's allowed indoor seating.*
- C. 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.*
- D. The seating shall not require or be dependent upon any new structures not otherwise permitted by the City of Conway Zoning Ordinance.*
- E. 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.*
- F. The property owner shall be responsible for maintaining the outdoor seating area in a clean, sanitary, and orderly manner.*
- G. Outdoor seating shall consist of only necessary items (i.e. tables, umbrellas, chairs, patio heaters etc.).*
- H. Outdoor patio areas should be sheltered as much as possible from clamor of streets and parking areas. Thoughtful locale, dense landscaping, and architectural screening is strongly encouraged to aid in this provision.*

**Comments**

- 1) Eliminated most of the requirements.
- 2) Added requirements for the 5 foot pedestrian clear zone.

### **1007.13 – SIDEWALKS**

- A. *Sidewalks shall be constructed on as outlined by the Conway Subdivision Ordinance O-00-03.*
- 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.*

#### **Comments**

- 1) Added reference to Master Transportation Plan.

### **1007.14 – RIGHT-OF-WAY DEDICATION**

*If any streets abutting the project do not have the width of right-of-way required by the Master Street Plan and Subdivision Ordinance for the classification of that street already dedicated, the owner shall dedicate half the required additional right-of-way along each street frontage prior to approval of the site plan.*

#### **Comments**

- 1) Removed requirement; covered in Conway Subdivision Code.

### **1007.15 – I-3 INTENSIVE INDUSTRIAL DISTRICT STANDARDS**

*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 high of 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 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 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.*

*NOTE: Screening shall be designed as in integral part of the building design and site layout.*

- 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.*
- 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.*

## Comments

- 1) Requirements now apply only to Interstate, Minor Arterial, and Major Arterial frontages.

## 1007.16 – SPECIAL STANDARDS

*This paragraph provides guidelines 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 guidelines are simply additions to the guidelines contained in the previous chapters. When designing a project type detailed in this paragraph, the reader should reference the appropriate prior paragraph(s) related to land use type, as well as the applicable Special Standards section detailed below.*



### *Mixed-Use Projects and Structures*

*These uses may be oriented vertically or horizontally on the site and may or may not be in different structures. Mixed-use projects should be designed to provide a harmonious environment for both commercial users and residents. Noise, traffic, lighting, and other elements that may negatively affect the residential environment should be located where the elements will have a minimum impact. All mixed-use projects should also adhere to the multi-family and commercial guidelines within this document.*

- 1. With the exception of on-street parking, all parking areas should be provided to the rear of structures or underground where feasible. This is especially important on vertically oriented mixed-use projects.*
- 2. Private, communal open space, accessible only by building residents, should be provided.*
- 3. Parking lot and security lighting for commercial uses should be appropriately shielded so as not to spill into adjacent residential areas.*
- 4. Loading areas and refuse storage facilities should be located as far as possible from adjacent residential uses, both on- and off-site.*
- 5. Commercial and residential parking areas should be clearly delineated through dedicated signs, street markings, or other methods.*
- 6. Provide clearly marked and separated driveways and parking areas for each proposed use where possible.*
- 7. Horizontal mixed-use developments should be designed using consistent materials and architectural style. If the intent is to differentiate between uses, some deviation is permissible.*
- 8. When multiple uses are proposed in a single building, separate and convenient entrances for each use should shall be provided.*
- 9. Any proposed building elevations that face public streets, whether such elevations function as the front, side or rear of the building, should be architecturally detailed to avoid the appearance of being the "back of the building." All buildings should function as positive additions to the streetscape.*

### **Comments**

- 1) Removed.

### *Large-Scale ("Big Box") Retail Developments*

*Site planning for large-scale commercial facilities should strive to provide a quality pedestrian environment in what is traditionally a facility designed for the efficient movement of automobiles. If a truly effective and inviting atmosphere is to be created, the needs of the pedestrian should be attended to in equal proportion with those of vehicles. Provisions should be made for efficient pedestrian circulation systems, way-finding means, safety lighting, and open spaces that provide respite from expansive and crowded parking lots.*

- 1. For all projects five (5) acres and larger, the incorporation of plazas, courtyards, pedestrian malls, and other outdoor spaces for people to gather shall be required.*
  - a. A minimum of five percent (5%) of the total project shall be dedicated as permanent common space and located in an area of the site which makes them identifiable and easily accessible for public use. Any landscaping within this common space shall be considered as part of the twenty percent (20%) pervious surface requirement.*
  - b. All provided furniture, fixtures, water features, and other amenities shall be considered integral components of development, maintain architectural compatibility, and fully detailed on all landscape plans.*
  - c. These common areas should be sheltered as much as possible from clamor of streets, parking, and other incompatible uses.*
- 2. Buildings should be located as near to the street as possible in order to further reduce the visual impact of expansive parking lots, promote pedestrian activity, and help "humanize" what is generally an auto-oriented environment. Address parking requirements while reducing the amount of necessary landscaping by providing as much parking as possible along the sides or rear of structures.*
- 3. Clearly defined pedestrian circulation systems shall be provided throughout the project site. Any crosswalks should be accentuated through the use of textured and/or colored paving. All pedestrian systems shall consider ADA path of travel and appropriate surface treatments.*



4. *The base of the building should be surrounded by a broad landscape buffer so as to soften the building's edge, allow opportunities for trees to be planted (serving to reduce the imposing scale of the structure), and create a desirable buffer between the building and any surrounding paved surfaces.*
5. *When crafting retail "big-box" facilities, every attempt should be made to minimize imposing mass, encourage design that complements neighboring buildings, and foster a human-scaled and pedestrian-friendly environment.*
6. *A variety of details and treatments should foster a lively and interesting roofline, including, but not limited to, usage of cornice detailing to provide unique caps atop building façades.*
7. *The design of any outdoor storage or gardening facilities should complement the architecture of the primary building as well as the overall site design.*
8. *Any proposed building elevations that face public streets, whether such elevations function as the front, side, or rear of the building, shall be architecturally detailed to avoid the appearance of being the "back of the building." Buildings should function as a positive addition to the streetscape.*
9. *The entryway to a "big box" store should serve as the visual focal-point for the entire facility and should accordingly showcase an inviting human-scaled entrance.*

#### Comments

- 1) Removed.

#### *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 areas.*
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 off of 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 areas.*
5. *Public and business-related parking areas should be clearly delineated through dedicated signs, street 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 Section 1007.9.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.*

#### Comments

- 1) Unchanged.

#### *Fuel/Service Stations and Car Washes*

*Service stations and car washes 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 impacts for adjoining streets and properties. Furthermore, while the basic architectural components of most service stations (gas pumps/stalls, convenience stores, car washes, etc.) are necessary, an opportunity exists for architectural forms that are unique, locally sensitive, and ultimately attractive. Rather than simply adhering to a highly standardized corporate model of design, service stations should draw from surrounding structures and mimic established or historic themes.*

- 1. Lush perimeter landscaping or other attractive and appropriate measures should be provided to screen the paved areas.*
- 2. Entry to and exits from car wash facilities should be oriented away from the street and/or screened so as to diminish their visibility from the public right-of-way.*
- 3. Each on-site gas pump should generally include stacking for a minimum of two (2) vehicles (roughly forty (40) feet in length) so that driveways or the street are not utilized by waiting customers.*
- 4. Dense landscaping, berming, architectural treatments, or a combination these elements should be used to maximize the screening of the site from public view.*
- 5. All structures on-site should be consistent with and complement the architectural design of the primary building and overall project site.*
  - a. Canopies should avoid appearing "pre-engineered." Canopies should appear relevant to the overall building design and that of the surrounding area. The use of pitched roofs on canopies is strongly encouraged.*
  - b. Canopy height should be held to the minimum necessary to achieve daily operations. "Open air" pump stations are encouraged to accommodate larger vehicles.*
  - c. Columns supporting the canopy should be of sufficient thickness to portray a visual sense of strength, balance, and traditional masonry proportions. The use of brick, stone, or other substantial building materials are encouraged.*

#### **Comments**

- 1) Changed to focus on canopy height and site design.

#### *Regional Scale Developments*

*Projects of twenty-five (25) acres or more are deemed relevant on a scale greater than standard projects, which typically aim to serve only the needs of the population of Conway; these projects have a regional impact and, therefore, are very often regional destinations. It is for this reason that a "Regional Scale Development" (RSD) will be reviewed as unique environments with unique dynamics. Although full compliance with the provisions contained within this document is desired, there may be additional allowances for exceptions, to include Article XII of the Conway Zoning Code, based upon individual merits and site characteristics. Each RSD will be reviewed, measured, and approved independently of other RSDs which may have been developed prior. All RSD development plans are required to gain Conway City Council approval prior to any permit(s) being issued.*

#### **Comments**

- 1) Removed.

### **1.13 : Section 1009 - Exceptions**

- A. Deviations from the regulations established by this article shall be permitted in specific circumstances and shall be referred to as "Exceptions." Requests for Exceptions from site development, construction, and appearance design standards shall be in writing and shall be submitted with the Development Review application. Such request shall demonstrate:*
  - 1. Special conditions or circumstances exist that are not applicable to other lands, structures, or developments such that a literal interpretation of this article would result in an undue hardship. These special conditions or circumstances may not result from the actions of the applicant.*

2. *An Exception is necessary to make possible the reasonable use of the land, structure(s), and/or additions thereto, and that, if granted, such Exception will be in harmony with the general purpose and intent of all ordinances, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*
- B. *If the Planning Director refuses to grant a requested Exception, then the Development Plan is, for all intents and purposes, considered disapproved and therefore subject to the Development Review appeal process outlined in Section 1005 of this article.*
- C. *If the Planning Director decides to grant a requested Exception, then he/she must, within one (1) business day, notify all of the City Council members.*
  1. *Notification shall be delivered in a method of the Director's choosing and may include, but not be limited to, one or more of the following: telephone contact, placement of letters in the Councilmember's mailboxes located in City Hall, USPS mail, electronic correspondence, or in another manner approved by the Mayor.*
  2. *If any one of the City Council members feels that the Exception request should not have been granted, the Council member must notify the Planning Director within five (5) business days from the date of the Planning Director's decision to grant the Exception.*
    - a. *The Planning Director shall then refer the Exception request to the Planning Commission, and have it placed as an item on the next immediate meeting agenda.*
    - b. *If the Planning Commission, agreeing with the Planning Director, decides to grant the Exception, the Exception shall be considered granted. If the Planning Commission overrules the Planning Director and denies the Exception, the applicant may appeal that decision to the City Council.*
      - i. *The appeal must be submitted to the Planning Department no less than thirty (30) working days from the date of the Planning Commission's decision.*
      - ii. *In order to be placed on the City Council agenda, the appeal must be submitted no less than eleven (11) days prior to the following City Council meeting.*
      - iii. *If the City Council should decide to grant the variance, the Exception shall be considered granted. If the City Council refuses the Exception, the request shall be considered denied for approval and no further opportunity for appeal shall be available.*
- D. *The Planning Director or Planning Commission or City Council will grant any and all Exceptions only when the requirements noted within Paragraph A, immediately above, are suitably demonstrated.*

#### Comments

- 1) Substantially reworked to provide for minor and major waivers.
- 2) Added new standards for approval.

### 1.14 : Section 1010 - Fees

*The Development Review Fee will be calculated for all projects as follows:*

*\$0.02 per ft<sup>2</sup> of lot coverage area (LCA): The total square footage of all impervious surfaces on a given site, except the square footage totals from the footprints of any structure which is calculated as part of the gross floor area.*

*PLUS*

*\$0.04 per ft<sup>2</sup> of gross floor area (GFA): The total square footage of all covered floor area on all levels of all structures on a given site.*

*The minimum fee for Development Review, regardless of project size, shall be three hundred twenty-five dollars (\$325).*

*The maximum fee for Development Review, regardless of project size, shall be three thousand two hundred fifty dollars (\$3,250).*

*A post approval review fee of two hundred fifty dollars (\$250) shall be required for any developer requested changes to approved development review plans. Requested changes create the need for further review and occupy City staff time. Developers are encouraged to submit complete and accurate plans. This fee is applicable to all approved plans including landscaping plans.*

#### Comments

- 1) Reworked to be standardized fees that are less complicated to calculate.

### **1.15 : Section 1011 - Performance Guarantee**

*When the then current season of the year is not conducive to sustaining life for trees and plants required hereunder, and/or it would be advantageous for the paving base to have longer to "set up" prior to paving, compliance with these provisions may be postponed for not more than one (1) year, and a temporary certificate of occupancy issued and/or electrical power connected to a related structure. This action shall be conditional upon the owner and/or developer posting a cash or surety performance bond or letter of credit payable to the City of Conway in an amount equal to the estimated cost of the postponed improvements. Estimates of landscaping costs shall be prepared by a qualified landscape contractor and/or paving contractor. Failure to complete such postponed landscaping or paving within one (1) year shall be grounds for the automatic forfeiture of the bond or letter of credit. However, such forfeiture shall not relieve the owner and/or developer from complying with the provisions of this ordinance.*

#### **Comments**

- 1) Removed. TCOs will replace this provision.

### **1.16 : Section 1012 - Fines and Penalties**

*Any violation of the concepts, standards, and/or regulations outlined within Article X may be punishable as provided by authority outlined in Article I of the Conway Zoning Ordinance. In the event a violation is witnessed by, and/or reported to the Planning Director, the offender shall be notified by certified mail prior to any civil action. Upon notification, the offender begins to incur any associated fines and penalties instituted by the City. This may include a possible civil fine of no less than fifteen dollars (\$15) and no more than one hundred dollars (\$100), per day, per violation, for each day such violation(s) continue.*

#### **Comments**

- 1) Removed; there is an existing violations section in the Zoning Code.

### **1.17 : Section 1013 - Inspections**

*Periodic inspections by staff members of both the Planning Department and the Permits and Inspections Department will be conducted throughout the construction of the project in order to verify that all development continues in a manner compliant with the previously approved site plans. These inspections will be performed as needed, up until the final inspection by the Permits and Inspections Department required for a Certificate of Occupancy.*

#### **Comments**

- 1) Reworked into the procedure section at front of Article.

### **1.18 : Section 1014 - Reports to the Planning Commission**

*All approvals of site plans by the Planning Director must be reported by the Planning Department to the Planning Commission within sixty (60) days of such development plan approval.*

#### **Comments**

- 1) Unchanged.

### **1.19 : Section 1015 - Validity**

*That in the event any section, paragraph, sentence, clause, or phrase of this article be declared unconstitutional or invalid for any reason, the remainder of said article shall not be affected thereby; and it is intended that every other section, paragraph, sente, clause, and phrase of this article shall remain and be in full force and effect.*

#### Comments

- 1) Removed. It duplicates Section 805.

### **1.20 : Section 1016 - Definitions**

#### Comments

- 1) Language will be merged into the definitions Article of the Zoning Code with adopting ordinance.

