CITY OF CONWAY

ZONING ORDINANCE

SEPTEMBER, 1994

Prepared for and
Adopted by
City of Conway

Ordinance # 0-94-54

Prepared by
Castin & Associates
City Planning, Land Development Consultant
Little Rock, Arkansas

AMENDMENTS TO THE CONWAY ZONING ORDINANCE

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O-95-78	10/24/95	AN ORDINANCE AMENDING THE ZONING ORDINANCE TO MAKE DRIVE-IN RESTAURANT A CONDITIONAL USE IN C-2 ZONES AND TO CHANGE THE DESIGNATION OF OTHER DRIVE-IN ACTIVITIES (BESIDES DRIVE-IN THEATERS) TO DRIVE-THROUGH ACTIVITIES	15, 18, 34-35, 95 AND 7, 8, AND 9 OF THE ADDENDUM
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O-05-139	10/11/05	AN ORDINANCE AMENDING THE CONWAY ZONING ORDINANCE TO DEFINE AND CLARIFY THE DEFINITIONS FOR KENNEL, ANIMAL SHELTERS, AND WILDLIFE REHABILITATOR AND DEFINE PERMITTED LAND USE ZONES	7-8, 21, 42, 98 AND Addendum Pages 2, 4, 12, AND 22
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O-12-46	05/08/2012	AN ORDINANCE TO ALLOW INDOOR FIRING RANGE IN ADDITIONAL ZONING DISTRICTS WITH A CONDITIONAL USE PERMIT	57, 66 and Addendum A, Page 9
O-12-70	08/14/2012	AN ORDINANCE AMENDING ARTICLE 1101 OF THE CONWAY ZONING ORDINANCE TO CLARIFY REQUIREMENTS FOR PROJECTS ALLOWED BY CONDITIONAL USE PERMIT	142-143
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ZONING ORDINANCE

ARTICLE 101

PURPOSE

SECTION 101.1 – TITLE

The title of this ordinance shall be known as the "Zoning Ordinance of the City of Conway, Arkansas." The ordinance shall consist of the text written herein as well as that certain map identified by the approving signatures of the Mayor and City Council, marked and designated as "Zoning District Boundary Map", which map is now on file in the Office of the City Clerk/Treasurer – Ordinance No. O-94-54, Date 9-27-94.

SECTION 101.2 – AUTHORITY

These regulations are adopted under the authority conferred on the City of Conway by the General Assembly of the State of Arkansas by Act 186 of the 1957 enabling legislation. This ordinance shall be known as the City of Conway Zoning Ordinance and may be cited as such.

All membership in various Boards and Commissions acting prior to the effective date of the Ordinance shall remain in office and serve for the duration of the term, unless otherwise relieved of duty.

SECTION 101.3 – PURPOSE

The purpose and intent of the City Council in enacting this Ordinance is to establish zoning regulations and districts for the purpose and general welfare of the City of Conway. The regulations and districts have been designed to provide adequate light and air; secure safety from fire, flood and other catastrophic dangers; to prevent overcrowding of land; avoid undue concentration or wasteful scattering of population; to lessen the congestion in streets; and to facilitate adequate provision of water, sewer, schools, transportation, parks, open space and other public necessities. The zoning regulations and districts have been made with reasonable consideration for the character of the district, its particular suitability for the particular uses specified, and a view to conserve the value of buildings and property and encourage the most appropriate use of land throughout the City consistent with a comprehensive plan.

SECTION 101.4 – JURISDICTION

The provisions of the Ordinance shall apply to all land and structures within the corporate limits of Conway, Arkansas, as they now or may hereafter exist.

SECTION 101.5 – NATURE AND APPLICATION

For the purposes hereinbefore stated, the City has been divided into zone districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location and size of buildings; open space and the uses of land, buildings and structures. In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts.

No proposed plat of any new subdivision of land shall hereafter be considered for approval by the City Planning Commission unless the lots within such plat equal or exceed the minimum size and area regulations specified in the applicable land use zoning district of this Ordinance.

ARTICLE 201

ESTABLISHMENT OF DISTRICTS

SECTION 201.1 – ZONING DISTRICT BOUNDARY MAP

The Zoning District Boundary map as set herein shall be delineated on official zoning maps of the City of Conway. The map has been heretofore examined in detail by the City Council and is hereby adopted as part of the Title – Zoning Ordinance of Conway; however, this Title and the Map shall be subject to change from time to time as may be determined by the ordinance of the City Council. The map shall be maintained by the City Planning Office. Said map is hereby declared to be a part of this Ordinance.

SECTION 201.2 – CLASSIFICATION OF DISTRICTS

This Ordinance classifies and regulates the use of land, buildings, and structures within the city limits *and Territorial Jurisdiction* of Conway, Arkansas as hereinafter set forth. For the purpose of promoting the health, safety, convenience and welfare of the inhabitants by dividing the city into ~~zones~~ *zoning districts* and regulating therein the use of the land, ~~and~~ the use and size of buildings, ~~as to~~ *including (O-11-30)* height and number of stories, the coverage of land by buildings, the size of yards and open spaces, density of population, and location of buildings. Zoning districts shall be designated as follows:

Residential

R-1 – One Family Residential District
R-2A – Two Family Residential District
R-2 – Low Density Residential District
SR – Suburban Residential
MF-1 - Multi-Family District
MF-2 – Multi-Family District
MF-3 – Multi-Family District
RMH – Mobile Home District
HR – Historical Residential District

Commercial

C-1 – Central Business District
C-2 – Neighborhood Commercial District
C-3 – Highway Service and Open Display District
C-4 – Large Shopping Center Commercial District

Office

O-1 - General Office District
O-2 – Quiet Office District
O-3 – Restricted Office District

Industrial

I-1 – Intermediate Industrial District
~~I-2~~ RU-1 – ~~Restricted Industrial District~~ *Restricted Use District (Ordinance O-03-148)*
I-3 – Intensive Industrial District

Special

A-1 – Agricultural District
S-1 – Institutional District
S-2 – Institutional District
PUD – Planned Unit Development
SP – Specific Plan (O-09-100)
TJ – Rural District (O-11-30)

SECTION 201.3 – BOUNDARY OF DISTRICTS

The boundaries of the zoning districts are hereby established as shown on the map entitled "Zoning District Boundary Map" of Conway, Arkansas, dated September, 1994, which is part of this ordinance and which is on file in the Office of the City Clerk/Treasurer.

SECTION 201.4 – INTERPRETATION OF DISTRICT BOUNDARY

Where due to scale, lack of detail or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to location of any zoning district boundary as shown thereon, the Designated Staff shall make an interpretation of the map upon request of any person. Any person in disagreement with any such interpretation may appeal such interpretation to *the Planning Commission acting as (O-11-97)* the Board of Zoning Adjustment. All City Commissions, Boards or personnel interpreting the zoning map or deciding any appeal, shall apply the following standards:

A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, right-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.

B. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.

C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.

D. In unsubdivided property, the district boundary lines on the maps accompanying and made part of this Ordinance shall be determined by use of scale contained on such map.

E. Where a zoning district boundary is indicated as approximately following city limits the boundary shall be determined as such.

F. Where a zoning district boundary is indicated as approximately following railroad lines, the boundary shall be construed to be midway between the main tracks.

G. If, after all of the previously stated rules have been applied, uncertainty shall exist as to exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of zoning ordinances and amendments in the City as well as other relevant facts. The *Planning Commission acting as the (O-11-97)* Board of Zoning Adjustment, upon motion, shall interpret and determine the location of said boundaries based on the above- mentioned guidelines.

ARTICLE 301

DEFINITIONS

SECTION 301.1 – INTERPRETATIONS

When dealing with this Ordinance, the following rules of interpretation shall be applied, except when the context clearly requires otherwise.

A. Words used in the present tense shall include the future tenses. Words in the singular number include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise.

B. The word “shall” is mandatory and not discretionary. The word “may” is permissive.

C. The particular shall control the general.

D. The text of this Ordinance shall control, in cases where the text differs in meaning or implication from any chart, graph, illustration, or table.

E. The words “building” and “structure” are synonymous and include any part thereof.

F. The word “Person” shall include individuals, firms, corporations, associations and any other similar entities.

G. The words “parcel” and “tract” may be used interchangeably.

H. The word “City” means the areas of jurisdiction of the City.

I. All public officials, bodies and agencies to which reference is made are those of the City of Conway, Arkansas.

J. All yards required by this Ordinance shall be open and unobstructed by structures from the lowest level of the lot to the sky, except as specifically regulated herein.

K. The word “permitted” or words “permitted by right” means permitted without meeting the requirements for a conditional use permit or site plan.

SECTION 301.2 – DEFINITIONS OF TERMS AND USES

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Where any words are not defined, the standard dictionary definition shall apply. In addition some definitions listed, restrict and define the meaning and intent of permitted uses set forth in this Ordinance.

Abattoir: Slaughterhouse.

Abutting: Having property or district lines in common. Since zoning district lines fall to the centerline of a street, alley, or waterway, lots which appear physically separated abut at said district line.

Access: The way or means by which a piece of property is approached or entered.

Accessory: A use that is subordinate to and incidental to the primary use on the same lot. *(O-11-100)*

Accessory Building: A non-attached building or structure which is used in a subordinate and/or incidental manner to that of the main building on the same lot. If an accessory building is attached to the main building by a common wall or roof, it shall be considered part of the main building. (O-11-100)

Addition: Any construction, which increases the size of the building such as a porch, attached garage or carport, or a new room or wing.

Adult Day Care Center: An institution maintained and conducted, certified by the State, under public or private auspices, which cares for more than four adults, who require such care because of age, affliction, or limited capacity and who are apart from their own family or relatives during a part of the day.

Agricultural – Commercial: Farms and general farming, including but not limited to:

Agricultural Services
Apiary
~~*Boarding or training animals*~~
(Ordinance O-05-139)
Farming; all legal plants and all animals excluding pigs
Fishery
Forestry; growing, harvesting or preserving trees and/or forest products
Greenhouse
Nursery (plants)
Public stable
Retail sale of farm products raised on premises
Truck garden
Wholesaling or warehousing of farm products and/or by-products

Agricultural – Limited: General farming undertaken in conjunction with a residence but with limited potential for commercial use. Including but not limited to:

Arboretum or botanical garden
Garden: no product sold on premises
Greenhouse; private, no products sold on premises

Agricultural Products Processing: A facility which involves the operation(s) of processing, preparing, or packaging agricultural products which are not grown on the site.

Agriculture: Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry and other similar enterprises or uses, but no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption of persons residing on the premises.

Airport Activities: A landing facility for fixed or rotary winged aircraft containing a minimum of sixty acres, subject to the Federal Aviation Agency's requirements of safety and applicants securing air space utilization from the Federal Aviation Agency. These uses include, but are not limited to:

Airports
Airway beacon or marker
Airport transportation

Alley: A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alterations: The term "Alterations" shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders the consummated act of which may be referred to herein as "altered" or "reconstructed."

Amusement, Commercial (Inside): An amusement enterprise wholly enclosed in a building, including but not limited to a bowling alley or billiard parlor.

Amusement, Commercial (Outside): Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge where any portion of the activity takes place in the open, including but not limited to a golf driving range, archery range or miniature golf course.

Animal Clinic (Enclosed): A facility without outside runs. The diagnosis and treatment of pets and other animals including but not limited to dogs, cats, birds and horses. No outdoor boarding of these animals shall be allowed overnight.

Animal *~~Pound or Kennel~~ Shelter*: *~~A public or private facility including outside runs for enclosure of animals, especially stray or unlicensed pets, or for pets being boarded for short periods of time~~ Animal shelters are either governmental or private organizations that provide temporary homes for stray, surrendered, or abandoned pet animals. The animal is kept at the shelter until it is reclaimed by the owner, adopted to a new owner, placed with another organization, or euthanized. (Ordinance O-05-139)*

Antique Shop: An establishment offering for sale articles such as glass, china, furniture or similar furnishings or decorations which have value and significance as a result of age, design or sentiment.

Apartment: See “Dwelling”.

Apartment Hotel: Any building containing both apartments and rooming units in some combination, having a desk or lobby attended 24 hours a day, and providing some services customary and appropriate to a hotel, such as maid and room service, but not having any public meeting rooms.

Apartment House or Multiple Family Dwelling: See Dwelling, Multiple.

Appliance Repair: A shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items.

Area: The amount of land surface in a lot or parcel of land.

Area Requirement: The yard, lot area, width of lot, height of structure, and parking requirements as set forth for a specific zone in this Ordinance.

Arena/Auditorium: A facility or closed area used for large public gatherings for viewing sports events, musical programs, public speeches or ceremonies. The allowed uses include but are not limited to:

Arena	Fairgrounds
Auditorium	Stadium

Authorized Agent: A person or persons authorized by the landowner to act in his behalf.

Auto Auction: A facility for the sale of automobiles to the highest bidder.

Auto Glass or Muffler Shop: A facility for installation or replacement of auto glass and mufflers.

Auto Painting or Body Rebuilding Shop: A facility for restoring auto bodies, painting or refinishing.

Auto Parts and Accessory Sales: A facility having auto parts, accessories and tools for sale.

Automobile Motorcycle Display, Sales or Service: A facility for display, service and sale of new or used automobiles, motorcycles, recreational vehicles, and trailers.

Auto Repair Garage: A facility for motor vehicle repair.

Bakery or Confectionery Shop (Retail): A place for baking or selling baked goods, or a place for preparing, cooking, making, or selling candy or other sweets. All goods baked or cooked on the premises must be retailed on the same premises.

Bank or Savings and Loan: A completely enclosed facility the primary use of which is the custody, loan, exchange or issue of money, the extension of credit, and the transmission of funds.

Barber or Beauty Shop: A facility licensed by the State where hair cutting, hair dressing, shaving, trimming beards, facials, manicures or related services are performed.

Bar, Lounge or Tavern: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine or other liquors, and where food service, if any, is secondary to the sale of beer, wine or other liquors.

Basement: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

Bed and Breakfast: An owner occupied dwelling unit that contains no more than five guest rooms where short-term lodging, with or without meals is provided for compensation. Short-term lodging shall be defined as lodging for a period not to exceed twenty-one (21) days.

Beverage Store: A facility for the sale of beer, wine or liquor not for on-premises consumption.

Billboard: See SECTION 601.21 – SIGNS AND SIGN STRUCTURES; INCLUDING BILLBOARDS.

Board: The word "Board" shall mean the *Planning Commission acting as the (O-11-97)* Board of Zoning Adjustment.

Boarding House: A dwelling other than a hotel where, for compensation and by arrangement for definite periods, meals or lodging and meals, are provided for three (3) or more but not exceeding twelve (12) persons.

Book and Stationery Store: A facility for the sale of books, pamphlets, paper, pens, ink, and associated items; not involving wholesale distribution.

Buffer: A strip of land established to protect one type of land use from another with which it is incompatible. A buffer strip is landscaped and kept in open space. The term buffer zone may be used more broadly to describe any zone that separates two unlike zones such as a multi-family zone between a single-family zone and a commercial zone.

Buildable Area: The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, coverage) have been met.

Building: Any structure intended for shelter, housing or enclosure of persons, animals (or chattel). When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate structure.

Building Accessory: *A non-attached building or structure which is used in a subordinate and/or incidental manner to that of the main building on the same lot. If an accessory building is attached to the main building by a common wall or roof, it shall be considered part of the main building. (O-11-100)*

Building Attached: A building which shares a continuous roof, with another adjacent building.

Building Detached: A building having no roof in common with another building.

Building Façade: The area of a single building elevation, which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.

Building Height: The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Building Line: A line usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the Zoning Ordinance. It is equivalent to the setback or yard line.

Building, Main: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed the main building on the lot on which it is situated.

Building Material Sales: A facility for the sale of materials and hardware to be used for the construction, renovation, remodeling or other alteration of primary or accessory buildings.

Building, Principal: A building or structure in which is conducted the principal use of the lot on which it is located. In any residential district, any dwelling shall be deemed the principal building on the lot on which same is located.

Bulk Storage of Highly Flammable Materials: A facility for the storage of chemicals, gases, or liquids, which are subject or could be caused to ignite or explode.

Burial Facilities: A tract of land or structure utilized for the disposition of deceased persons or animals. The uses include but are not limited to:

Cemetery	Crematory
Columbarium	Mausoleum

Bus or Truck Storage or Garage: A facility in which currently licensed buses or trucks are stored or repaired.

Bus Station and Terminal: A facility on a common carrier line for bus docking, freight storage, and passenger loading and unloading. This shall not be construed to include passenger shelters, which may be located on a local bus route.

Cabinet and Woodwork Shop: A shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis, not a factory, planing mill or similar woodworking plant.

Camera Shop: A retail shop which sells photography items including cameras, film, photographic paper, auxiliary lens, photo finishing, photo finishing material, projection equipment and other related items.

Campsite: Recreational vehicle site.

Carport: Means a shelter for one or more vehicles, which is not fully enclosed by walls and one or more doors.

Car Wash: A facility for washing or steam cleaning passenger automobiles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and is installed solely for the purpose of washing and cleaning automobiles.

Catering Service: A facility that provides the service and supply of food to be consumed off the premises.

Cemetery or Mausoleum: A place or ground designated for burial of the dead. A mausoleum is a building with places for entombment of the dead.

Certificate of Occupancy: Official certification that a premise conforms to provisions of the zoning ordinance (and building code) and may be used or occupied. Such a certificate may be granted for new construction or for alteration or additions to existing structures.

Child Care Facility: ~~See "Day Nursery".~~ Any place, home or institution which receives six or more children from more than one (1) family at the same time. The allowed number of children shall include the caregiver's own preschool children and children in the home who are not accompanied by a parent, whether pay is received for care or not. However, this definition shall not include public or private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes, or engaged in church activities. These uses include but are not limited to: Day care center, nursery school, and day nursery. *(Ordinance O-06-168)*

Any place, home, or institution which receives five (5) or fewer children according to the ratio outlined above, shall not be regulated by this ordinance.

Cigar, Tobacco and Candy Store: The retail sale of cigars, cigarettes, pipe tobacco, candies and related items.

City: The City of Conway, Arkansas

Clinic (Medical, Dental, Optical): A facility for examining, consulting with, and treating patients; including offices, laboratories and outpatient facilities, but not including hospital beds for overnight care or treatment.

Clothing Manufacturing: Operations involving cutting, sewing, forming and packing of garments and similar items, including the making of millinery and clothing accessories.

Clothing Store: A retail facility for selling male or female apparel.

Club: An organization of persons for special purposes for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

College Dormitory: A college residence hall providing sleeping rooms.

College, Fraternity or Sorority: An organization formed chiefly for social purposes which may have secret rites and a name usually consisting of Greek letters. See the definition for Fraternity/Sorority.

College, University or Seminary: A college or university is an academic institution of higher learning beyond the level of public, parochial, elementary or secondary schools. A seminary is an institution for the training of candidates for the priesthood, ministry or rabbinate.

Commission: The Conway Planning Commission

Common Usable Open Space: That portion of land or an area of water or a combination of land and water within the site designated for a planned unit development and designed and intended for use and enjoyment of residents and owners of the planned unit development, and easily accessible for all the residents. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development, but shall not include areas designed primarily for other than common recreational or open space use.

Community Welfare and Health Center: A community service facility where social, recreational, welfare, health, or child care assistance is provided for a public, quasi-public, tax exempt, church or municipal agency.

Conditional Use: A use permitted in one or more districts as defined b y this Ordinance but which use, because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible with other existing or permissible uses in the same district or districts, and to assure that such uses shall not be inimical to the public interest.

Conditional Use Permit: The documented evidence or authority granted by the City Council to locate a conditional use at a particular location.

Construction Building: A prefabricated building transported to a construction site to serve as the office and/or storage building on a construction site in support of the construction of a permanent commercial building. (O-11-100)

Contractor, Maintenance Yard: An open storage yard for supplies and operational equipment, but not constituting a junk or salvage yard.

Convalescent/Maternity/Nursing Home: A facility providing care and minor treatment under the direction of a physician licensed by the State of Arkansas or a facility providing services to patients for the purpose of achieving rapid recovery. May furnish basic provisions of food and laundry. May also provide health care and minor treatment under direction of physician for pregnant woman until the birth of the child. These uses include but are not limited to:

Convalescent home	Maternity home
Institution for aged or children	Nursing home

Convent or Monastery: Dwelling units of religious order or congregation for persons under religious vows.

Corner Lot: A lot located at the intersection of two streets not sharing the common centerline.

Country Club, Private Membership: An area of twenty acres or more containing a golf course and a clubhouse available only to the membership. Such a club may contain as adjacent facilities a private club and dining room, swimming pool, tennis courts and similar service and recreation facilities.

Coverage: The lot area covered by the buildings including all overhanging roofs except where otherwise specifically designated.

Curb Cut: Any access to a vehicular use area from any right-of-way of any street, road, or highway.

Custom Sewing and Millinery: Custom making of apparel and millinery, not involving a factory.

Day Camp: An open air recreational area maintained under public or private auspices with facilities comparable to those found in city parks and playgrounds.

~~Day Nursery or~~ Day Care Center: *See "Child Care Facility"* ~~Any place, home or institution which receives three or more children under the age of (16) years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation, provided, however, this definition shall not include public or private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial persons, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes, or engaged in church activities. These uses include but are not limited to:~~
~~Childcare institution Nursery school~~
~~Day Nursery~~ *(Ordinance O-06-168)*

Department Store: A large retail store for the sale of many kinds of goods arranged in departments.

District: Any section or sections of Conway for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

~~*Drive-In: The term "Drive-In" shall mean a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within a building or structure.*~~ *(Ordinance O-95-78)*

Drive-In Restaurant: A Drive-in Restaurant, within the meaning of this Chapter, shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food, served directly to, or permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main building.

Drive-Through: The term "Drive-Through" shall mean a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within the building or structure. (Ordinance O-95-78)

Drug Store or Pharmacy: A facility for preparing, preserving, compounding and dispensing drugs and medicines; and may include the display and sale of other merchandise such as cosmetics, notions, fountain service and similar items.

Duplex/2-Family Dwelling: See "Dwelling".

Duplication Shop: A facility for the reproduction and copying of printed material or drawings.

Dwelling: A house, apartment building, or other stationary building designed or primarily used for human habitation. The word “dwelling”: includes the following:

a. Single-Family Dwelling – A detached residence primarily designed for or occupied by one family only.

b. Two-Family Dwelling – A residence designed for or occupied by two families only with separate housekeeping and cooking facilities for each. This definition shall include a duplex and also a single family detached dwelling and a garage apartment on the same lot.

c. Multi-Family Dwelling – A residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each. This use shall include apartment houses, multiple family dwellings and townhouses.

d. Residence – A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include:

    A. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or

    B. Dormitories, fraternity or sorority houses, monasteries or convents, or similar establishments containing group living or sleeping accommodations; or

    C. Nurses’ residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facility uses.

Dwelling, Attached: Adjoining dwelling units, each of which is separated from the others by one or more unpierced common walls extending from ground to roof.

Dwelling, Townhouse or Row House: Two (2) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and owned by one (1) family.

Dwelling Unit: A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping and cooking.

Dwelling, Zero Lot Line: A single detached dwelling unit that is constructed on a side property line of said lot; such that the wall located on the side property line should be “blank” with no openings of any type allowed.

Easement: A right-of-way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usages given by the owner or land to another party, the City or the public.

Eave: The weather protective overhanging lower edge of a roof.

Entrance Ramp: A roadway connecting a feeder road with a limited access highway and used for access onto such limited access highway.

Erected: Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for the construction, excavation, fill, drainage and the like shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Establishment for Care of Alcoholic, Narcotic or Psychiatric Patients: An establishment offering residence for outpatient treatment to alcoholic, narcotic or psychiatric patients.

Excavation: Any breaking of ground, except common household gardening and ground care.

Exception: A use permitted only after review of an application by the Board of Adjustment or Planning Commission other than the Administrative Official.

Exit Ramp: A roadway connecting a limited access highway with a feeder road and used for access from such limited highway to a feeder road.

Family: In addition to customary domestic servants, either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four (4) unrelated mentally or physically handicapped persons which may include two additional persons, acting as house parents or guardians, who need not be related to each other or to any of the mentally or physically handicapped persons in the group; or (c) a group not to exceed four (4) persons not all related by blood or marriage, occupying premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, fraternity or sorority, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

Feed Store: A facility for the sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.

Fence: A man-made barrier constructed to provide privacy or visual separation between one ownership and another.

Financial Institution (Drive-*Through*~~*In*~~): A facility which principally utilizes a drive-through window to conduct the transmission of funds. *(Ordinance O-95-78)*

Floor Area: Means total gross area on all floors as measured to the outside surfaces of the exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors and open porches, balconies and terraces.

Florist Shop: A facility for the retail sale of cut or uncut flowers and ornamental plants and accessory items.

Food Store: An establishment where foods and associated items are kept and displayed for retail sales.

Foundry or Metal Works: A facility for the melting, smelting, molding or otherwise processing or manufacturing of metallic minerals.

Fraternity/Sorority: Housing for a student organization formed for social purposes or scholastic, professional, or extracurricular activities. These uses include but are not limited to fraternity or sorority houses and dormitories.

Front Lot Line: Means a line dividing a lot from any public highway, except a limited or controlled access highway to which the lot has no access.

Furniture Repair Store: A facility for repairing and reupholstering furniture, including specialized equipment.

Furniture Store (New): A retail facility for displaying and selling new furniture, and may also include appliances such as radios, televisions, stereos, refrigerators, stoves and lawn furniture.

Garage Apartment: A dwelling unit for one family erected above a private garage, as part of it on the same level.

Garage, Private: An accessory building or part of a main building used for storage purposes only for not more than four (4) automobiles, or for a number of automobiles which does not exceed one and a half (1 & ½) times the number of families occupying the dwelling unit to which such garage is accessory whichever number is the greater.

Grade: The top surface elevation of lawns, walks, drives or other improved surface after completion of construction or grading operation.

Grain Elevator or Feed Mill: A facility for the storage or mixing or grinding of grains or other prepared foods to be used for pets, livestock and fowl.

Ground Coverage Ratio: Means the percentage of lot area included within the outside lines of the exterior walls of all buildings located on the lot, except garages and carports in Districts R-1, and R-2 and including the area of porches, decks, patios, breezeways, balconies, and bay windows, except patios not more than six inches above grade.

Gross Acreage: The total acreage of the proposed development including areas designated for internal streets and other public facilities.

Guest House or Servants Quarters: Any apartment or other separate building used for family members, nonpermanent visitors or servants for which no rent is charged.

Handicraft, Ceramic, Sculpture, or Similar Art Work: A facility to individually create objects such as leather goods, jewelry, oven fired, nonmetallic mineral products or carved three-dimensional works of art; not a factory.

Hardware or Sporting Goods Store: A retail facility for selling cutlery, tools, utensils, screws, nails, and similar items; or athletic uniforms, sport clothing and sporting equipment.

Hauling and Storage Company: A facility for warehousing, transferring or keeping goods.

Hazardous Material Storage: A facility or outdoor area used to store materials which are poisonous, noxious, and otherwise are hazardous to the health of the general public. The

facility may be used to store such things as acids, oils, chemicals, etc. prior to use or may be a permanent storage area for waste chemicals, etc. These uses include but are not limited to petroleum products storage.

Health Studio or Spa: A facility other than a regularly licensed hospital, operating for a profit to promote physical fitness or weight control, and where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor, whether with or without use of mechanical or therapeutic devices.

High Rise Multi-Family: Any structure of housing residential units (public or private) which exceeds a height of thirty-five (35) feet.

Hobby Shop: A facility for the sale of hobby supplies such as model kits, art equipment and materials.

Home Center: A facility which retails appliances, fixtures, building materials and other similar items for the maintenance and improvement of residential structures.

Home Occupation: Home occupation is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there are no advertising signs other than one nonilluminated nameplate not more than two (2) square feet in area attached to the main or accessory building; there is no commodity sold that is not created on the premises; and no person is employed other than a member of the immediate family resident on the premises. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property line. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his profession. The keeping of not more than two roomers or boarders shall be considered a permitted home occupation. A beauty shop having facilities to serve no more than one person or to be used by not more than one operator shall be considered a permitted home occupation.

Hospital Services: An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, and central service facilities and staff offices. These uses include but are not limited to:
Ambulance Service
Hospital; general, health center, restricted to mental, narcotics or alcoholic patients, sanitorium

Hotel/Motel: A structure designed, used or offered for residential occupancy for any period less than one month, including tourist homes and motels but not including hospitals or nursing homes. A temporary abiding place containing six or more guest rooms or units furnishing customary hotel services such as linen, maid service, service and the use of, and upkeep of furniture.

Industrial Cleaning Plant: A facility for the cleaning of commercial or industrial bulk items from retail or wholesale operations.

Industrial Uses Not Listed (Enclosed): Any completely enclosed industrial use which is not specifically listed in this Ordinance.

Interim Building: A prefabricated building transported to a construction site in order to serve the same purpose as a permanent commercial building for which a building permit has been issued. Examples include, but are not limited to, a temporary bank, condominium sales office, or other similar commercial use. (O-11-100)

Jewelry Store: A facility which retails watches, rings, bracelets, necklaces, and similar items.

Job Printing, Lithographer; Printing or Blueprinting Plant: A plant or facility for commercial reproduction of material or drawings on a job order or bulk basis utilizing lithography, offset printing, or other purposes.

Junk or Salvage Yard: Any establishment maintained, used or operated for the storing, keeping, dismantling, salvaging, buying or selling of (1) scraps or discarded pieces of metal, paper, rags, tires, bottles and other materials, (2) inoperable, wrecked, scrapped, ruined or discarded automobiles, automobile parts, machinery or appliances. A junk or salvage yard shall not include premises on which such uses are conducted entirely within a completely enclosed building, nor shall a junk or salvage yard include premises used primarily for the sale or storage of operable automobiles or for the overhaul or full repair thereof, so long as no inoperable junk or wrecked automobile remains outside more than thirty days. Any premises on which there remains outside more than thirty days an inoperable, partially dismantled, wrecked, or junked automobile, shall be deemed for the purpose of this Ordinance, a junk or salvage yard.

Kennel: ~~*Any lot or premises on which four (4) or more dogs, more than six (6) months of age, are kept.*~~ *An establishment wherein any person, business, or organization engages in the practice of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling dogs or other animals. (Ordinance O-05-139)*

Key Shop: A facility for the sale or duplication of keys.

Laboratory: A building or part of a building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.

Laboratory, Dental or Medical: A laboratory which provides bacteriological, biological, medical, prosthetic, x-ray pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating shall be conducted on the premises except the custom fabrication of dentures.

Laboratory, Manufacturing: Operations involving the compounding of products such as perfumes, pharmaceuticals and the development and assembly of instruments and similar items.

Laboratory-Research Facilities: A building or part of a building devoted to the testing of any product or animal (including humans) for the purposes of providing written research reports on the results and utilizing those results to produce a new or improved product, medicine, or to better determine how animals function. No manufacturing is conducted on premises except for experimental or testing purposes.

Laundromat or Pick-Up Station: A coin operated or custom-cleaning establishment for individual garments, fabrics, rugs, draperies, or other similar items.

Library, Art Gallery, Museum or Similar Public Use: An establishment for the loan or display of books, or objects of art or science which is sponsored by a public or quasi-public agency and which institution is open and available to the general public.

Light Fabrication and Assembly Process: The manufacture and assembly of items not involving an excessive generation of noise, odor, vibration, dust or hazard.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodge or Fraternal Organization: A private, nonprofit organization whose primary purpose is to promote the fellowship of its members and may conduct business associated with philanthropy or civic awareness.

Lot: A parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive. The lot shall not be divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure. Said lot shall establish one building site and comply with all subdivision rules and regulations of the City.

Lot Area: The total horizontal area included within the lot.

Lot, Corner: A lot which has an interior angle of less than 180 degrees at the intersection of two streets lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents of the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

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

Lot Depth: The horizontal distance between the front lot line and the rear lot line measured at right angles or radial to the centerline of the street.

Lot, Double Frontage: A lot having frontage on two nonintersecting streets.

Lot Frontage: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot Lines: The lines bounding a lot as defined herein:

A. Front Lot Line: In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and/or in the application for a building permit.

B. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from and parallel to the front lot line and wholly within the lot.

C. Side Lot Lines: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot, Interior: A lot other than a corner lot.

Lot of Record: A parcel of land that is a lot in a subdivision recorded on the records of the County Recorder's Office, or that is described by a metes and bounds description which has been so recorded prior to the Subdivision Regulations in effect, or lots exempt from those regulations.

Lot Widths: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.

Lumber Yard: A facility which stores and sells cut lumber and other associated or accessory building materials.

Machine or Welding Shop: A facility in which metallic materials are processed by machining, curing, grinding or welding.

Main Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Manager/Caretaker Residence: A person or persons whose permanent residence is in a multi-family complex, hotel/motel, business or special area of a private home for the purposes of managing the grounds and buildings and/or for security purposes.

Manufactured Housing: A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United Stated of America and as administered by the United States Department of Housing and Urban Development.

Manufacturing – Hazardous: A facility and surrounding yard designed primarily for the preparation, production and distribution of objectionable materials such as chemicals, explosives, etc. Further the production of such materials may create noxious odors or gases objectionable to businesses and residences. This may include manufacturing products from raw materials. Such uses include but are not limited to:

Abattoir
Aerosol containers, filling of
Animal and marine fat and oils, manufacturing or processing
Animal bones, offal or waste; assembly, incinerator, processing or utilization
Arsenals
Chemicals compounding or packaging
Coal preparation
Creosoting or similar processing
Explosives: manufacture, storage warehousing or wholesaling
Fireworks: manufacture, storage, Warehousing or wholesaling
Flammable gases or liquids; storage
Foundry
Mineral preparation; non-metallic
Ore reduction
Paint, enamel, lacquer, turpentine, varnish manufacturing
Paper manufacturing or processing
Production of crude petroleum, natural gas and natural gas liquids
Recycling and reclamation
Rendering of animals
Sawmill
Slaughtering of animals
Tanning of hides and skins
Tar or tar products manufacturing or processing

Manufacturing – Intensive: A facility operations and surrounding yard designed to produce or assemble products in a clean and quiet manner such as appliances, vehicles, etc. These manufacturing facilities do not create excessive demands for sewage, water, gas electricity, etc. Uses include but are not limited to:

Air conditioning and heating equipment manufacture
Apparel and other textile products manufacture
Batching or mixing plant, asphaltic or portland cement, concrete, mortar or plaster
Beverages, non-alcoholic manufacture
Brick, tile, clay or ceramic manufacture
Brooms and brushes manufacture
Compounding of cosmetics, toiletries, drugs, and pharmaceutical products
Contract sorting, grading and packing of fruits and vegetables for grower
Corn shelling, hay baling and threshing services
Cotton ginning and compressing
Dry-cleaning and dyeing plant
Electronic equipment assembly and manufacture
Food products, including bakery goods, candy, fruit and vegetable processing and canning, packing and processing of meats and poultry
Freight depot, railroad or truck
Freight forwarding service
Glass or glass products manufacturing
Instrument and meter manufacturing
Livestock assembly, auction, breeding, feeding, sales, sales barn, shipment and pens
Mattresses; rebuilding or renovating
Monument works
Orthopedic or medical supplies manufacturing
Paper products including envelopes, stationery, wallpaper manufacturing
Railroad equipment storage or maintenance
Railroad freight terminal
Rubber products; natural or synthetic manufacturing
Scrap or waste materials handling
Scrap steel cutting on contract basis
Sign painting
Steel products; fabrication and assembly
Vending machine sales, rental, repair and manufacturing
Venetian blind, window shade and awning manufacture
Warehousing; outside

Manufacturing – Light: A facility and surrounding yard designed to provide an area for wholesaling, storage, packaging, display, distribution, and those retail uses accessory to the operations and for light manufacturing, assembling and fabrication of non-nuisance nature. Uses include but are not limited to:

Baked goods, candy, bread, dairy and ice cream manufacturing
Book bindery
Bottling works, all beverages
Carpentry, woodworking or furniture making
Electrical equipment assembly
Furniture manufacturing
Ice plant, dry or natural
Industrial cleaning plant
Jewelry manufacturing
Leather goods fabrication
Mobile home and/or travel trailer sales, service and manufacturing
Oil field equipment and supplies, sales, service, rental or repair (Also in Retail-High Impact)
Optical goods manufacturing (also in Retail-High Impact)
Outdoor advertising plant
Processing and manufacturing that by reason of operation is not a nuisance in respect to odor, noise, dust, vibration, etc.
Warehousing
Wood distribution
Wood or lumber processing

Master Plan: The comprehensive plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public building and all physical development of the Municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan or part thereof may or may not be adopted by the Planning Commission and/or the City Council.

Medical Appliance Fittings and Sales: A facility specializing in special purpose devices related to medical treatment.

Medical Facility:

A. Convalescent, rest, or nursing home – A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

B. Dental Clinic or Medical Clinic – A facility for the examination and treatment of ill and afflicted human outpatients, provided that patients are not kept overnight except under emergency conditions.

C. Offices for dentists, doctors, oculists, optometrists, osteopaths, and chiropractors – Same as dental or medical clinic.

D. Hospital – An institution providing health services primarily for human inpatients, medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient department training facilities, central service facilities, and staff offices which are an integral part of the facility.

E. Public Health Center – A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics, and administrative offices operating in connection therewith.

F. Sanatorium – An institution providing health facilities for inpatient medical treatment or treatment and recuperation, making use of natural therapeutic agents.

Mental Health Center: Means a hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.

Minimum Landscaped Open Space: Means the percentage of lot area which must be maintained in grass or other living vegetation.

Mining: A tract of land where various minerals, ore, etc. are extracted from under the earth. May also include a distribution area for truck/rail loading of ore and materials. Uses include but are not limited to:

Exploration for minerals
Extraction of sand, gravel, clay, quarrying of rock
Mining of coal, metal ores and non-metallic minerals other than fuels

Mini-Warehouse Storage: Mini-warehouse storage facilities shall be deemed to include one (1) or more permanent structures, meeting applicable City building requirements, which contain separate storage units or cubicles that are intended to be leased by members of the public. ~~On commercially zoned lands, not more than ten percent (10%) of such structure or structures may be leased to a single lessee, unless specific permission is first obtained from the Board of Adjustment. Furthermore, t~~The active utilization of any storage space or cubicle within

a mini-warehouse storage area for a retail or wholesale business operation on such site is expressly prohibited.*(O-11-97)*

Mobile Home: A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty (320) square feet, and designed to be used as a year round residential dwelling unit. A mobile home which is to be located in a mobile home park shall meet all of the specifications and standards as required for such mobile home parks and each individual mobile home must be anchored in compliance with the design load requirements of the Building Code of the City of Conway, Arkansas. A mobile home which is to be placed in an approved mobile home subdivision must be placed upon poured footings and piers or perimeter foundation constructed to Building code specifications and completely enclosed (no exposed piers); and all transport elements such as wheels, axles, trailer or transport hitches and exterior light systems attached for highway usage must be removed. The home shall be attached and anchored to a permanent foundation in conformance with manufacturer's installation specifications. Furthermore, all such mobile homes shall provide on-site an all-weather off-street parking space and the placement of the mobile home must be such that it conforms with all bulk and area requirements of the zoning district.

Mobile Home Park: A parcel of land which has been designed or improved or is intended to be utilized for occupancy by one or more mobile homes and which conforms to the provisions of this Ordinance.

Mobile Home Sales: A facility for the sale of mobile home residences.

Mobile Vendor: Any person or persons who operates or sells goods from a mobile cart, stationary cart, pedal cart, trailer, van, or similar chassis with or without an engine, or tent for a period of 15 days or greater per year. Mobile vendors who operate for 14 days or less per year shall not be regulated by this ordinance.

Mobile Food Vendor: Any person or persons who operates or sells food from a mobile cart, stationary cart, pedal cart, trailer, van, or similar chassis with or without an engine, or tent for a period of 15 days or greater per year. Mobile food vendors who operate for 14 days or less per year shall not be regulated by this ordinance.

Mortuary: A facility in which deceased bodies are prepared for burial and kept until burial, and in which funeral services may be conducted. This use includes but is not limited to a funeral home, mortuary or undertaking establishment.

Motel: A group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit all for the temporary use by automobile tourists. Use of such a facility is also open to air and bus travelers as well.

Motor Freight Terminal: A facility for freight loading and freight storage.

Multi-Family Dwelling: See "Dwelling".

Municipality: The City of Conway, Arkansas.

Newspaper Office/Print Shop: A facility whose purpose is the preparation of written news materials for distribution to the public. The facility also includes an area where printing press,

copy machine, etc. copy the news/information and prepare it for distribution. May also include a retail facility for sale of office products, paper, etc. This use includes but is not limited to:

Job printing, lithographer, printing or blueprinting
Newspaper offices print shop
News syndicate service printing and publishing including engraving or photoengraving

Nonconforming Building or Structure: Any building or structure lawfully existing on the effective date of this Ordinance, as amended, which does not comply with all of the regulations of this Ordinance for governing parking or bulk and area requirements for the Zoning District in which such building or structure is located.

Nonconforming Use: Any use lawfully being made of any land, building or structure, on the effective date of this Ordinance, as amended, which does not comply with all the regulations of this Ordinance governing use for the Zoning District in which such land, building or structure is located.

Nursery, Plant Material: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursing Home or Convalescent Home: A facility providing care and minor treatment under the direction of a physician licensed by the State of Arkansas or a facility providing services to patients for the purpose of achieving rapid recovery. May furnish basic provisions of food and laundry.

Office: A place/structure/facility where a particular type/kind of business is transacted or a service supplied such as a public office, business headquarters, etc. Uses include but are not limited to:

Addressing, duplicating, mailing lists, stenographic telephone messages and and similar office services
Advertising Agency
Animal clinic (enclosed) small animals
Clinic, dental, medical or osteopathic, Chiropodist, pharmacy, optical
Computer, data processing or similar service
Employment service
Interior decorating shop
Mobile home and/or subdivision sales office without display
Offices: administrative, executive, general, professional, research, governmental

Office, General: A place for the regular transaction of business but not to include the occupation, retail sales, transfer of manufacturer goods or storage of commodities.

Office, Restricted: A residential structure or new structure compatible in scale with a residential area available for the transaction of general business but excluding retail, artisan, and manufacturing uses. Activity is limited to administrative, executive, general, professional, and medical office uses that will not generate significant amounts of traffic. See Section 601.27 for required conditions. (O-09-43)

Office, Warehouse: A facility combining office and warehouse functions in a single structure.

Open Porch: A porch which has no side or front walls, screens or other enclosures, except structural roof supports where a roof is provided.

Open Space: Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structures or portion of structures whatever.

Optical Shop: A facility for a dealer in optical items or for correcting vision.

Ordinance: The Zoning Ordinance which includes both Zoning Map and Zoning Regulations.

Orphanage: An institution for the care of orphans or homeless children.

Paint and Wallpaper Store: A facility for selling paints, painting equipment and wallpaper.

Park: A recreational area characterized by open space typically utilized for outdoor sports and other leisure activities.

Parking, Commercial Lot or Garage: A facility for temporary storage of motorized or wheeled vehicles.

Parking Lot: Any area subject to wheeled traffic including access areas used for parking, except for single family or two family development. All open areas and open spaces on the land which are designated, used, required or intended to be used for parking, maintenance, service, repair, circulation, or operation of vehicles, including automobiles, buses, trailers, trucks, boats, and motorcycles. Includes areas used or intended to be used for driveways to such vehicular use areas, but does not include improvements to public roads, streets, highways, and alleys. Uses include but are not limited to:

Automobile parking or storage as principle use
Garage or parking for commercial or public utility vehicles
Parking commercial lot or garage
Public off-street parking lot

Parking Space: An area of definite length and width; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

Parking Space, Off-Street: A space for the parking of a motor driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space, said space shall meet all dimension and angle criteria in the Off-Street Parking and Loading Section of this ordinance.

Pawn Shop: A facility for loaning money on the security of personal property; unclaimed property may be sold on premises.

Petroleum Products, Storage and Wholesale: A facility for the storage and sale of petroleum products.

Pet Shop: A facility for the display and sale of small animals, fish, and birds as pets; such as dogs, cats, parakeets, goldfish, tropical fish, or canaries without involving commercial boarding or treating of any animal, fish or bird.

Photography Studio: A facility for taking and processing pictures, not a bulk processing plant.

Places of Public Assembly: A meeting place for more than thirty-five (35) persons to which the public or membership group are assembled regularly or occasionally including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Planning Commission: The Planning Commission of the City of Conway, Arkansas.

Plant Nursery: A facility for growing and selling plants, shrubs or trees and other articles or implements which are involved in the transportation, installation and maintenance of landscaped areas.

Plumbing, Electrical, Air Conditioning and Heating Shops: A facility providing supplies, repair, installation and sales of plumbing, electrical, air conditioning and heating equipment.

Prefabricated Building: A building designed, constructed and assembled in a factory or other manufacturing site to be transported to a location where the building is to be located.

Principal Use: The use which fulfills the primary function of an establishment, institution, household or other entity.

Private Club: Any association, person, firm, partnership or corporation, key club, bottle club, locker club, pool club, or any other kind of club or association excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than private homes.

Private Club with Dining or Bar Service: A group of people associated or formally organized for a common purpose, interest, or pleasure. Facilities include dining or bar accommodations, which are not available except to members of their guests.

Private School, Kindergarten or Institution for Special Education: An educational institution licensed by the State of Arkansas, except as parochial, denominational or charitable school or institution which provides a basic academic education comparable to that provided in the public schools of the State, or one that provides special training or care suitable to persons with above average intelligence or defective, delinquent, or dependent persons such as retarded, dyslexia, autistic, or brain damaged persons.

Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the

public; gas, steam, *water,* electricity, sewage disposal, communication, ~~telegraph, transportation of water~~ or cable television.

Publicly-Owned Service Facility: A facility providing a service to the general public and paid for through public funds such as a police or fire station, postal facility, etc. Allowed uses include but are not limited to:

Art gallery, museum or similar public use
Civil defense and related activities facilities
Community center: public
Community welfare or health center
Fire protection and related activities facility
Flood control works
Highway or street maintenance garage, yard or similar facility
Library, private, non-profit and public
Police protection and related activities facility
Postal service facility
Public buildings
Water filtration plant, pump station, elevated storage, treatment plant or reservoir

Race Track: A facility for races, including closed course, straightaway or acceleration runs. Races may include horse, dog, human or mini race tracks as part of amusement parks/facilities.

Raceway: A race track for drag racing, stock cars, etc.

Railroad Freight Terminal: A facility on a railroad for freight classifying, docking and storage.

Railroad Passenger Station: A facility for loading and discharging of passengers.

Reclassification: An amendment to or a change in the Zoning Ordinance reflecting a change or revision or modification of the Zoning District Boundary Map.

Recreational Facility: Any facility or tract of land providing recreational opportunities to the general public. These facilities may be publicly owned (community) or may be privately-owned (commercial) and sell recreational opportunities. The uses which fall under each of these definitions follow:

Recreational facilities, community

Bathing beach: public
Country club, golf course, swimming pool, or other private recreational uses usually associated with a social country club or subdivision association operated for mutual recreation of members and not for profit
Day camp: community
Park, playground or tot lot
Swimming pool: public
Tennis court: public

Recreational facilities, commercial

Amusement, commercial
Bowling alley
Carnival, circus or similar temporary Amusement enterprise
Golf course: commercial
Motion picture theatre
Skating rink

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailers, truck campers, and motor homes. Not to exceed 8.5 feet X 40 feet.

Recreational Vehicle Parks: A lot of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site: A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Recycling and Reclamation: A facility for receiving, sorting, storing and reconditioning appliances, building materials, and any other salvaged or reclaimed materials.

Religious Activity: A place of worship and religious training and including accessory housing facilities such as a rectory. A place where persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith. Uses include, but are not limited to:

House of worship, Church, synagogue or temple, including Sunday School facilities

Convent or monastery or novitiate

Parish house, parsonage or rectory

Religious retreat facility

Residence: See “Dwelling”.

Residential Occupancy: Means those activities customarily conducted in living quarters in an urban setting. Excluding activities resulting in noise which constitutes a nuisance in a residential area and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials.

Restaurant: Is a lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, night clubs, drive-in and any fast food establishment permitting consumption on the premises.

Retail – General: A facility or group of facilities whose main use is the distribution and sale of products and/or services to the general public. In the general retail sales area facilities are grouped to serve persons traveling by vehicular means. Uses include but are not limited to:

Appliance repair
Building services including janitorial services, floor waxing and office cleaning
Clothing, second hand sales
Dance hall
Delivery service
Department store
Detective or protective service
Direct selling organization: retail
Disinfecting, deodorizing or exterminating service
Drive-in Restaurant
Eating place with drive-*through*~~*in*~~ service *(Ordinance O-95-78)*
Fire extinguisher service
Food locker plant
Fur sales, repair and storage
Glass or glass products sales
Gunsmith shop
Hat cleaning or repair shop
Hay, grain or feed store
Household appliance store
Leather goods or luggage store
Loan office
Mail order house: catalogue office or retail store
Medical appliance fittings and sales
Motion picture distribution and service
Office equipment: sales and service
Pet shop
Plumbing, electrical, air conditioning, heating shop
Plumbing fixtures, sales and service
Rug cleaning or repair
Sales, service, repair or rental of business machines
Secondhand store
Sewing machine shop
Studio: broadcasting or recording
~~Telegraph transmitting or receiving station~~
Upholstery shop
Vending machine sales, service, rental, repair
Venetian blind cleaning
Window cleaning service
Restaurant *(Ord. O-04-93)*

Retail – High Impact: A facility and surrounding yard providing sale of retail products or personal services to the general public. Such facilities are generally located along major highways and are designed to serve people in automobiles. Special display and outdoor storage requirements may be required. Uses include but are not limited to

Aircraft parts: sales, service rental or repair, including air frames & engines
Armature rewinding shop
Armored car service
Auctioneer
Auto glass or muffler shop
Automatic merchandising establishment
Automobile accessory tire or battery stores without tire recapping
Automobile body shop
Automobile service station, not including motor repair or painting
Automobile wash service, including self-service
Boat rental or storage
Building materials or lumberyard
Building materials or lumber wholesale sales
Bus garage and equipment maintenance
Carting, crating, express handling, moving or storage
Cesspool cleaning establishment
Cold storage plant
Construction equipment repair, sales or storage
Contractor (general or heavy construction) facilities other than office
Contractor (special trade) facilities other than office
Custom ceramic products manufacturing
Driving school, private
Dry cleaning plant limited to 7000 sq. ft. of floor space
Eating place (other than drive-*through*~~*in*~~) not serving beer, providing dancing or entertainment
(Ordinance O-95-78)
Farm equipment: sales, service, rental, supplies and repair
Hardware, industrial sales
Linen supply or industrial laundry
Lodge or fraternal organization
Machinery sales and service
Mini warehouse
Mobile home and/or travel trailers sales and service ONLY
Monument sales
Oil field equipment and supplies, sales, service, rental or repair (also in Manufacturing – Light)
Optical goods manufacturing (also in Manufacturing – Light)
Packing or crating
Pawnshop
~~Private club with dining or bar service~~ (*Ord. O-04-93)*
Repair service limited to equipment (wholesale is permitted use in the district in which the repair store is located)
Secondhand automotive parts, accessories, battery & tire dealer
Swimming pool: sales and service
Tattoo parlor
Taxicab garaging & maintenance
Taxidermist
Tire recapping
Tool & equipment rental (inside display only)
Tool & equipment (with outside display)
Tool sharpening
Warehousing: inside
Warehousing: outside
Wholesale establishment: floor sample stock
Wholesale establishment: stock unlimited

Retail – Restricted: An enclosed facility or group of facilities providing for the sale of retail products or personal service enterprises. These facilities are typically designed to serve surrounding residential neighborhoods. Uses include but are not limited to:

Antique store
Apparel and accessory store
Bakery or confectionary shop
Bank or savings and loan
Barber or beauty shop
Bicycle store
Billiard or pool parlor
Blueprinting, photocopying and similar reproductive services
Bookstore
Camera and photographic supply store
Catering service
Cigar, tobacco and candy store
Clothing, custom dress making or altering for retail, including tailoring and millinery
Diaper service
Drafting service
~~*Drive-in restaurant*~~
(Ordinance O-95-78)
Drugstore or pharmacy
Drycleaning, pickup or self-service
Dry goods store
Eating place
Financial institution (drive-*through*~~*in*~~)
(Ordinance O-95-78)
Florist shop
Food store including bakery (retail only)
Furniture, home furnishings, and equipment store: sales and repair
Garden supply store
General store; general merchandise store
Gift, novelty, or souvenir shop
Handcraft, ceramic sculpture or similar artwork– sales
Hardware store
Health studio or spa
Hobby shop
Ice vending machine establishment
Jewelry: sales and repair
Laundry, self-service and pickup station, laundry services, laundromat
Music, musical instruments or phonograph record store
Locksmith, key shop
Newsstand
Nursery (plants) sales
Optical laboratory
Optical shop
Photo finishing service
Picture framing
Radio, phonograph, television or other household electronics equipment store
Religious goods store
Shoe sales and repair
Sporting goods store
Stationery store
Store selling architect's, artist's, engineer's supplies & equipment or dental, medical, or office supplies or equipment
Studio – photographic
Tailor
Toy store
Transportation ticket service
Travel arranging service
Variety store
Video store

Rooming House: A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons; all in excess of this number shall be defined as a hotel under the terms of this ordinance. This use shall include a boarding house.

Rooming and Boarding House: A rooming house where meals are provided by the operator.

Sand Gravel or Earth Sale and Storage: A facility for storing and marketing sand, gravel and earth.

Saw Mill: A facility having power-driven machinery for the purpose of sawing logs. Also, accessory facilities for the drying and storage of wood materials or by products.

School Facilities: Structures and/or tracts of land used for the conduct of educational activities. Uses include but are not limited to:

College, junior college, professional school: public or equivalent private
Private, school or kindergarten or institution for special education
School: commercial, trade or craft
School elementary: public or private
School private: barber, beauty, business, commercial art, correspondence, stenographic, public or private
School secondary: public or private
Studio: art, drama, speech, dance, music, ceramics

School, Business: A business enterprise, not a public or private school

School, Commercial, Trade or Craft: A business enterprise, not a public, private or business school, offering instruction and training in a trade such as welding, brick laying, machinery operation and other similar manual trades.

School, Public or Denominational: An educational institution regulated by the State of Arkansas which is operated by a public or religious agency having a curriculum including kindergarten, elementary or secondary education, but not including private, business, commercial, trade or craft schools.

Secondhand Store, Used Furniture or Rummage Shop: A facility for the sale of secondhand or used items in which there is no outside display.

Service Station: A facility for furnishing fuels and lubricating oils or materials for use in operation and maintenance of motor vehicles.

Setback: Means the required distance between every structure and any lot line on the lot on which it is located.

Sewage Treatment Plant: A facility which provides an artificial process to which sewage is subjected in order to remove or alter its objectionable constituents and make it less dangerous and offensive. Uses include but are not limited to a sewage treatment plant and a sewage lift station.

Shelter for Abused Persons: A residence for a limited number of persons providing temporary shelter for a person physically or mentally abused by family or other persons.

Shelter for the Homeless: A place with authorized supervision granting temporary relief for displaced persons and/or families. Such place may or may not provide on-site meals but furnishes a safe haven for people.

Shoe Repair: A facility for repair or reconditioning of footwear, handbags and other leather articles such as shoes, boots, sandals, wallets, purses and other similar products.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trade marks by which anything is made known such as are used to designate an individual, a commodity, a firm, an association, a corporation, a profession, a business, a service, or a product, which are visible from any public street or right-of-way and designed to attract attention. "For Sale" and "For Rent" signs shall be deemed signs within the meaning of this definition, but the term "sign" shall not include the flag, pennant or insignia of any nation, state, city, or other political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event, used for a public purpose in the public interest. Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever including billboards and statuary, placed for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning or other signs posted by public officials in the course of their public duties, nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this Ordinance. Please refer to Section 601.22 for further details.

Single Family Dwelling: See "Dwelling".

Site Plan Review: The process whereby the Planning Commission and/or staff review the site plans and maps of a developer to assure that they meet the stated purposes and standards of Article 401 of this Ordinance.

Solid Waste Disposal: The entire process of storage, collection, transportation, processing, and disposal of solid wastes by any city, authority, county or any combination thereof, or by any person engaging in such a process as a business. Uses include but are not limited to solid waste disposal and garbage or trash: assembly, incineration or processing.

Special Event Temporary Building: A temporary building used for events which are fourteen 14 or fewer days in length and which are community-wide events which bring benefits to the community as a whole. Special Event Temporary Buildings include, but are not limited to, temporary buildings, tents, and inflatable structures. (O-11-100)

Stable (Commercial): A facility which boards or rents horses to the public but not including a sales barn, auction or similar trading activity.

Stone, Sand or Gravel Extraction: A site where stone, sand or gravel is mined or extracted for a profit.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street: Any public thoroughfare which affords the principal means of access to abutting property.

Street, Intersecting: Any street which joins another street at an angle, whether or not it crosses the other.

Structure: Anything constructed or erected for human occupancy and/or entrance, the use of which requires location on the ground or attached to something having a location on the ground.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial changes in the roof or in the exterior walls.

Studio (Art, Drama, Speech or Similar Skills): The instructing, coaching or counseling in art, drama, speech or similar personal skills or arts.

Studio (Broadcasting or Recording): A facility for broadcasting live or prerecorded programs by radio or television, or recording of records, tapes, video tapes or other recording media. Such facility may perform activities necessary for recording, programming and receiving of radio or television signals. Such facilities shall not engage in mass production.

Studio (Music, Dance, Ceramics or Similar Skills): The instructing, coaching or counseling in music, dance, ceramics or similar personal skills or arts.

Swimming Pool, Sales and Supply: A facility for display and retail sales of swimming pools, related supplies and service.

Tailor: A shop to alter, repair, fabricate, or fashion garments.

Tanning/Rendering: A facility in which the tanning, rendering, slaughtering or butchering of animals is conducted. This use must be completely enclosed.

Taxidermist: A facility for preparing, stuffing and mounting the skins of animals, birds or fish.

Temporary Building: A prefabricated building, other than a construction building or interim building, allowed for an approved designated time period. Examples include, but are not limited to, portable classrooms, modular offices, and other commercial uses. The temporary building must be an accessory use. The temporary building may not serve as the primary structure. (O-11-100) (Also see Special Event Temporary Building on page 38.)

Theater, Drive-In Type: A facility arranged so that patrons can view the screen and receive the sound in the privacy of their cars, or while seated outside.

Theater, Not Drive-In Type: A facility for showing motion pictures to an audience inside an enclosed structure.

Tool and Equipment Rental (Inside Display Only): A facility for renting tools and equipment to the public with no outside display.

Tool and Equipment Rental (With Outside Display): A facility for renting tools and equipment to the public where outside display is permitted.

~~Transmission Tower/Station: A tower and/or associated station which receives and/or sends radio and/or television waves such as radio towers. *This definition does not include amateur radio communication installations.* Uses shall include but not be limited to radio transmitting stations or towers *other than amateur* and television exchange station relay towers. *(Ordinance O-98-33)*~~

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

Transportation Facilities/Excluding Airports: Facilities providing surface transportation for the general public. These may or may not be publicly owned. Uses include but are not limited to:

Bus station
Taxicab stand or dispatching station
Truck, bus, train terminals

Travel Bureau : An agency engaged in selling or arranging transportation, trips or tours for individuals or groups.

Truck or Tractor Sales or Repair: A facility for the sales and repair of trucks, tractors or similar motorized vehicles. Any display or sales area must be paved.

Upholstery Shop: A facility which makes coverings for furniture by applying such materials as springs, padding and fabric.

Use: A purpose to which land is committed.

Use Area: A zone established for a certain type of use such as commercial or residential.

Utility Facility: A facility, either open or enclosed, where a utility may store equipment or materials not in use or waiting for use. A station which is subsidiary to a central station and at which a utility from the central station is converted or passed on to another area. Uses include but are not limited to:

Electric generating plant
Electric regulating substation
Electric utility maintenance facility
Gas pressure control station
Gas utility maintenance facility

Variance: A device which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. ~~A variance may be granted, for example, to reduce yard or setback requirements, or the number of parking or loading spaces, or to increase the permitted size of a sign. Some ordinances specifically preclude the granting of a use variance. Authority to decide variances usually is vested in the Board of adjustment.~~ *(O-11-97)*

Vehicle Sales: A facility and associated lot, parking area or yard where retail sales of all types of vehicles occur. These vehicles are used for surface transportation generally, and include automobiles, trucks, vans, recreational vehicles, etc. Uses include, but are not limited to:

Automobile and truck rental
Automobile and truck sales (new and used) and service
Automobile auction
Boat and marine rental, repair and sales
Bus sales, service, rental and repair
Motorcycle display: sales and service

Vehicle Salvage: Any establishment maintained, used or operated for the storing, keeping, dismantling, salvaging, buying or selling of inoperable, wrecked, scrapped, ruined, or dismantled or discarded automobiles, auto parts, trucks, machinery, or appliances.

Veterinarian Service/Large Animal: A service for the qualified and authorized treatment of diseases and injuries of large animals such as horses, cattle, etc. This use includes an animal hospital for large animals.

Wall: One of the sides of a room or building connecting floor and ceiling or foundation and roof.

Warehouse or Wholesaling: A facility for commodities stored or wholesaled.

Water Treatment Plant and Related Facilities: A facility for the systematic collection and treatment and dispersal of water.

Wildlife Rehabilitator: One who provides aid to injured, orphaned, displaced, or distressed wild animals in such a way that they may survive when released to their native habitats. Activities may include direct care of wildlife to arranging suitable release sites. Rehabilitators must possess current licensing from the Arkansas Game and Fish Department and must comply with all State, County, and Municipal laws and ordinances. (Ordinance O-05-139)

Wood Products Manufacturing: A facility which cuts, trims, planes, or otherwise finishes wood products on an industrial scale.

Yard: An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by a portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for main buildings. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard, or the depth of the rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, Front: The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the nearest point of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.

Yard, Rear: The required area of open space extending across the full width of the lot between the rear most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building.

Yard, Side: The required area of open space between the main building and the side lot line, extending from the front yard or front lot line, where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building.

Yard, Exterior: Any yard which is adjacent or parallel to a public or private street.

Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private street.

Zero Lot Line: See “Dwelling, Zero Lot Line”.

Zoning District: A section of a city designated in the Zoning Ordinance text in which requirements for the use of land and building and development standards are prescribed.

Zoning District Boundary: That boundary line which separates unlike zoning districts.

ARTICLE 401

ZONING DISTRICT REGULATIONS

SECTION 401.1 – GENERAL

For the purpose of Articles 101 through 901, the City of Conway, Arkansas, has been divided into twenty-one (21) classes of Districts as stated in Article 201 Establishment of Districts, Section 201.2 Classification of Districts.

The original Zoning District Boundary Map for the City of Conway, as amended, showing the various districts and their boundaries, shall be and is hereby amended so that this Map shall show thereon the zoning district classifications as noted above, and is hereby declared to be part of this Ordinance.

SECTION 401.2 – TABLE OF PERMITTED USES

Permitted Uses are set forth in each District as indicated on a separate table showing the uses which are permitted in each district. Where the letter "X" appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district subject to (a) the provision of required off-street parking and off-street loading as set forth in Article 501, and (b) conformance to the special conditions applying to certain uses as set forth in Article 601 where such reference is made.

Where the letter "C" appears instead of "X", this use is permitted subject to acquiring a conditional use permit as set forth in Section 901.2. Where neither "X" or "C" appears in a district column, the use is not permitted in the district.

Further clarification of each use appears in Article 301 – Definitions.

SECTION 401.3 – USES NOT LISTED IN THE TABLE OF PERMITTED USES

Applications for uses not listed in the Table of Permitted Uses shall be handled as a proposed amendment to the Zoning Ordinance and shall be processed in accordance with Section 901.4.

SECTION 401.3.1 – CONSTRUCTION ACROSS LOT LINES

When two abutting lots or parcels are under the same ownership and when a building is built so that it extends across the property line separating the two lots or parcels so that the building is located on both lots, no setbacks from that property line shall be required. For the purposes of this ordinance, these two lots or parcels shall be considered merged at that point and ownership of the lots or parcels shall not be conveyed separately without a subdivision or replat that shall divide the merged lots or parcels into separate lots but providing that no separated conveyance under any existing, merged or replatted lot configuration shall be made unless the resulting buildings meet all fire code requirements. The property line dividing the two lots or parcels may be disregarded for the purposes of requiring fire resistant construction, unless a wall is built along that property line separating the part of the building on one lot or parcel from the part of the building on the other lot or parcel, in which case, fire resistant construction as required along the property line shall be provided.

Upon issuance of any building permit for any building that is to be built across a lot line, the city department issuing that permit shall prepare a document recording the issuance of the permit and the subsequent merging of the lots and assure that a copy of the document is submitted to the city department that maintains plat information and that document shall be filed with the appropriate plat. (Ord. O-01-124)

SECTION 401.4 – RESIDENTIAL DISTRICTS

A. GENERAL DESCRIPTION

Specific goals of residential districts include provision of adequate space at appropriate locations necessary to meet housing needs of present and future inhabitants of the City. Consideration shall also be given to site selection and variety of choice.

Congestion shall be prevented in residential districts as much as possible by regulating population density, activity intensity and extent of building bulk in relation to area land use. Structure height shall be controlled in residential districts in order to provide light and air access through windows, and privacy.

Residential districts shall promote desirable land use and development in order to protect district character and to conserve land and building value.

1. R-1 ONE-FAMILY RESIDENTIAL DISTRICT

   PURPOSE

   The R-1 district is designed to provide quiet, low-density areas for single family living and related recreational, religious, and educational facilities protected from all commercial and industrial activity.

   R-1 district is characterized by single-family homes on large lots, plus certain areas where similar residential development is likely to occur. The “R-1” District will not be subject to major alteration by future amendment except at the fringe, where minor adjustments may become needed to permit development of vacant tracts for transition from other districts. Conditional uses as provided for in these regulations shall be allowed. Such uses shall not be of objectionable character and should conform to all provisions of this Ordinance.

2. R-2A TWO-FAMILY RESIDENTIAL DISTRICT

   PURPOSE

   The R-2A district encourages similar basic restrictions as the R-1 districts and permits a quiet, slightly higher population density area for living protected from all commercial and industrial activity.

   1) Such a district shall encourage and maintain duplex development at appropriate locations.

2) The R-2A District has a dual purpose. First, the District should provide areas for the development of two-family residential structures on larger lots. Second, the District should facilitate conversion of one family residences to two-family use in established developed areas. The District may be located in developed areas or undeveloped areas of the City where an environment compatible with moderate density residential development can be established. Such a district can also be located in medium density areas where conversion may facilitate their continuation as a desirable area. Accessory uses and conditional uses as provided for in this Ordinance, shall be allowed provided they are not of an objectionable character and that they conform to the provisions of this Ordinance.

3. R-2 LOW DENSITY RESIDENTIAL DISTRICT

PURPOSE

The R-2 district encourages the same basic restrictions as the R-2A districts and permits a slightly higher population density area for family living protected from all commercial and industrial activity.

Accessory uses and conditional uses as provided for in this Ordinance, shall be allowed provided they are not of an objectionable character and that they conform to provisions of this Ordinance.

4. SR SUBURBAN RESIDENTIAL DISTRICT

The SR District is designed to provide quiet, extremely low-density areas for single-family living and related recreational, religious and educational facilities protected from all commercial and industrial activity.

The SR District is characterized by single-family homes located on large lots or acreage. The lot size and configuration shall be as delineated on a plat approved by Conway Planning Commission and properly recorded prior to SR zoning approval. Lots in the SR District cannot be altered or subdivided. Subdivision of lots in an SR zone shall be accomplished only by said lots being rezoned by ordinance of the City Council after proper notification and hearings as set out in Section 901.4 of the Conway Land Development Code.

Persons seeking SR zoning must own 100 percent of the property located within the proposed zone.

Accessory uses and conditional uses as provided for in this Ordinance shall be allowed provided they are not of an objectionable character and that they conform to provisions of this Ordinance.

5. MF-1 MULTI-FAMILY DISTRICT

PURPOSE

MF-1 Multi-Family District is established to provide suitable areas for medium residential development of not more than twelve (12) units per gross acre in density, unattached or attached. No MF-1 District shall be less than one acre in area.

Such units would be located in city areas where adequate city facilities existed prior to development or would be provided in conjunction with development, and where a suitable environment for moderate residential development would be available. Such districts could be used in suburban portions of the city as buffer or transitional zones between single-family and other uses not compatible with low-density residential development. Accessory uses and conditional uses as provided for in this Ordinance shall be permitted in the are if they are not of an objectionable characteristic and conform to provisions of this Ordinance. Within this area, single-family dwelllings on lots without side yard setback requirements on one side yard are permitted. Also, the townhouse concept which permits construction of single-family dwelllings abutting one another without side yards between individual units is permitted. If such units are not abutting, a six (6) foot setback from side property lines is required.

When computing gross density of a tract of land, any and all common open space may be used in said calculation.

6. MF-2 MULTI-FAMILY DISTRICT

PURPOSE

The MF-2 Multi-Family District provides a suitable area within the City for medium to high density residential uses and structures with a density of not more than eighteen (18) units per gross acre. No MF-2 District shall be less than one acre in area.

This area could exist in the older sections and newer developed areas of town. Such a district may be developed adjacent to, or in conjunction with neighborhood commercial or shopping center development. Adequate public utilities and services shall exist prior to or be provided in conjunction with development. Such a district may exist as a buffer zone between single-family and non-compatible use districts. Within this district, buildings, structures, or uses having commercial characteristics and not planned as a main part of the total development shall be excluded.

Buildings, structures, or uses having commercial characteristics existing within the MF-2 District shall be planned as an integral part of the total residential development. All other such commercial structures shall be excluded whether operated for profit or otherwise.

Accessory and conditional uses, as provided for in this Ordinance shall be permitted provided they are not of an objectionable nature and that they adhere to all Ordinance provisions set forth herein.

When computing gross density of a tract of land, any and all common open space may be used in said calculation.

7. MF-3 MULTI-FAMILY DISTRICT

PURPOSE

MF-3 High Density Multi-Family. This district is established in order to provide high-density residential structures and conversion of existing residential structures at a density of not more than twenty-four (24) units per gross acre. No MF-3 District shall be less than one acre in area.

This district should be located in already developed areas of the City where public utilities, community facilities and other services are adequate to support them. The MF-3 District may also act as a buffer between low-density residential areas and non-residential development. Buildings, structures, or uses having commercial characteristics existing within the MF-3 District shall be planned as an integral part of the total residential development. All other such commercial structures shall be excluded whether operated for profit or otherwise. Accessory uses and conditional uses, as provided for in this Ordinance, shall be permitted provided they are not of objectionable character and that they adhere to all Ordinance provisions set forth herein.

Accessory and conditional uses, as provided for in this Ordinance, shall be permitted provided they are not of an objectionable nature and that they adhere to all Ordinance provisions set forth herein.

When computing gross density of a tract of land, any and all common open space may be used in said calculation.

8. RMH MOBILE HOME DISTRICT

PURPOSE

This district recognizes a specific housing type which must be accommodated in the City of Conway in either rental park settings or in subdivisions which provide for ownership of the structure and lot. It is the intent of this district that it be located so as to not adversely affect the established residential development patterns and densities in the City. Such locations, however, shall have necessary public utilities, community facilities, and other public services in order to provide a healthful living environment with the normal amenities associated with residential districts of the City. All mobile home parks and subdivisions must meet the relevant provisions and conditions contained in Article 601.

9. HR HISTORICAL RESIDENTIAL DISTRICT

PURPOSE

The Historical Residential District is designed to provide low-density residential housing in a historical context. Housing within this district is characterized by buildings that reflect the general historical context of the neighborhood.

Accessory uses and conditional uses as provided for in this Ordinance shall be allowed provided they are not of an objectionable character and they conform to provisions of this Ordinance. (Ordinance No. O-01-33)

B. USE REGULATIONS

1. Permitted Uses

The permitted uses for this district are set forth below. Where the letter “X” appears on a line of a use and column of a district, the listed use is permitted. Where the letter “C” occurs similarly within the chart, the use is permitted subject to acquiring a conditional use permit as set forth in Article 901 – Section 901-2. Where neither “X” nor “C” appears similarly within the chart, the use is not permitted.

Permitted uses in this district are subject to (a) provision of off-street parking required by Article 501, (b) conformance to the special conditions applying to certain uses as set forth in Article 601 where such reference is made; and (c) the provision of off-street loading in accordance with Article 501.

Private, non-commercial swimming pools, tennis courts and other similar recreational facilities are allowed as accessories to all residential uses.

Further clarification of each use appears in Article 301, Definitions.

USES (PERMITTED – X) (CONDITIONAL – C)	ZONING DISTRICTS R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	*HR*
							(Ordinance No. O-01-33)		
1. RESIDENTIAL USES									
▪ Adult Day Care	C	C	C		C	C	C	C	
▪ *Art gallery, Museum or Similar public use (Ordinance No. O-01-33)*									*C*
▪ Duplex		X	X		X	X	X	X	*C***
							(Ordinance No. O-01-33)		
▪ Fraternity/Sorority					C	C	C		
▪ *Garage Apartment (Ordinance NO. O-01-33)*									*C****
▪ Home Occupation*	C	X	X	C	X	X	X	X	*X*
							(Ordinance No. O-01-33)		
▪ Manager/Caretaker Residence	X	X	X	X	X	X	X	X	*X*
							(Ordinance No. O-01-33)		
▪ Mobile Home*								X	
▪ ~~*Multi-Family Dwelling*~~					~~*X*~~	~~*X*~~	~~*X*~~	~~*X*~~	
▪ *Up to 12 dwelling units Per acre, single lot*		*C*	*C*		X	X	X	X	
▪ *Up to 18 dwelling units Per acre, single lot*					*C*	X	X	X	
▪ *Up to 24 dwelling units Per acre, single lot (Ordinance No. O-00-12)*						*C*	X	X	
▪ Rooming House		C	C		X	X	X		
▪ SF - Attached Dwelling		X	X		X	X	X	X	
▪ SF - Detached Dwelling	X	X	X	X	X	X	X	X	*X*
							(Ordinance No. O-01-33)		
▪ SF - Manufactured Housing	X	X	X	X	X	X	X	X	
▪ SF – Zero Lot Line Dwelling					X	X	X		
▪ Shelter for Abused Persons		C	C		C	C	C		
▪ Shelter for the Homeless		C	C		C	C	C	*C*	
							(Ordinance No. O-15-90)		

* See Article 601 special Provisions Conditions Applying to Uses.

** In the HR Zoning District, the lot on which a new duplex may be located shall be no closer than 150 feet from a lot on which an existing or permitted duplex is located.

*** In the HR Zoning District, a garage apartment is not allowed on the same lot as a duplex.

ZONING DISTRICTS

USES (PERMITTED – X) (CONDITIONAL – C)	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	***HR***
							(Ordinance No. O-01-33)		
2, COMMUNITY FACILITIES RELATED USES									
▪ Burial Facilities	C	C	C	C	C	C	C	C	
▪ Child Care Facilities*	~~C~~	~~X~~*C*	~~X~~*C*	C	~~X~~*C*	~~X~~*C*	~~X~~*C*	~~X~~*C*	
		(Ordinance No. O-02-76 & Ordinance No. O-06-168)							
▪ *Church, synagogue or Temple, including Sunday school facilities* (Ordinance No. O-01-33)*	C	C	C	C	C	C	C	C	*C*
▪ Convalescent/Maternity/ Nursing Home		C	C		X	X	X	X	
▪ *Columbarium (Ordinance No. O-01-33)*	C	C	C	C	C	C	C	C	*C*
▪ Hospital Services*				C	C	C	C	C	
▪ *Parish House, Parsonage or Rectory (Ordinance No. O-01-33)*	C	C	C	C	C	C	C	C	*C*
▪ *Park, Playground or Tot Lot* (Ordinance No. O-01-33)*	C	C	C	C	C	C	C	C	*C*
▪ Publicly Owned Service Facilities	C	C	C	C	C	C	C	C	
▪ *Police protection and related* activities facility *(Ordinance No. O-01-33)*	C	C	C	C	C	C	C	C	*C*
▪ Recreational Facility Community*	C	C	C	C	C	C	C	C	
▪ Religious Facilities*	C	C	C	C	C	C	C	C	
▪ *Sewage Lift Station (Ordinance No. O-01-33)*									*C*
▪ School Facilities	C	C	C	C	X	X	X	X	
▪ Transportation Facilities/ Excluding Airports	C	C	C	C	C	C	C	C	
▪ Utility Facility	C	C	C	C	C	C	C	C	
▪ Water Treatment Facility	C	C	C	C	C	C	C	C	
3. OTHER USES									
▪ Agricultural-Commercial	C	C	C	C	C	C	C	C	
▪ Agricultural-Limited	X	X	X	X	X	X	X	X	*X*
							(Ordinance No. O-01-33)		
▪ Bed & Breakfast					C	C	C		*C*
							(Ordinance No. O-01-33)		
▪ *Nursery (plants) (Ordinance No. O-01-33)*	C	C	C	C	C	C	C	C	*C*
▪ *Office Restricted (Ordinance No. O-09-43)*		*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
▪ Sewage Treatment Plants*	C	C	C	C	C	C	C	C	
▪ *Transmission Towers/ Station (Ordinance O-13-62)*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	

*See Article 601 Special Provisions Conditions Applying to Uses.

2. Accessory Uses Permitted

Accessory uses that are incidental to permitted uses in the Residential Districts and not detrimental to the adjacent property or character of the zone may include guesthouses, employee's quarters, private garages, barns, and sheds subject to the provisions of Article 601. Accessory uses may include the following: accessory signs subject to provisions of Article 601: bulletin boards, home occupation signs, identification signs, nameplates, real estate signs and subdivision signs.

C. 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 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 must have a minimum of thirty-five (35) feet of street frontage.~~ *Each lot in R-1, R-2, R-2A, ~~and~~ SR and HR (O -01-33) 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 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. (O-00-53)* 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 ~~from the Board of Zoning Adjustment~~ (O-11-97) in order to obtain a building permit. (O-00-53)*

ZONING DISTRICT	BUILDINGS OR STRUCTURES	MINIMUM LOT AREA SQ. FT.	MIN. LOT AREA PER FAMILY SQ. FT.	MIN. LOT WIDTH AT BLDG. LINE(4) FT.	MAXIMUM LOT COVERAGE INCLUDING MAIN STRUCTURE & ALL ACCESSORY BUILDINGS	MINIMUM FRONT SETBACK FT.	YARDS MINIMUM SIDE YARD SETBACKS INTERIOR FT.	EXTERIOR FT.	MINIMUM REAR SETBACK FT.	MAXIMUM NO. OF STORIES	MAX. HEIGHT FT.*
R-1	All Except Accessory*	7,500	7,500	60	~~30~~ 35%(9) *(Ordinance No. O-06-35)*	25	~~8~~ *6* *(Ordinance O-06-169)*	25	25	2.5	35
R-2A	Two-Family – Duplex	10,000	5,000	100	30%(1)	40	10	25	20	2.5	35
	Single-Family – Detached	6,000	6,000	50	30%(1)	25	6	25	20	2.5	35
	All Others Except Accessory*	10,000	-	100	30%(1)	40	10	25	20	2.5	35
R-2	All Except Accessory*	6,000	3.500*(8)*	50	30%(1)	25	6	25	20	2.5	35
SR	All Except Accessory*	14,500	14,500	100	30%(1)	25	8	25	25	3	42
HR	Single-Family –Detached	5,000	5,000	50	30%(1)	25	6	25	20	2.5	35
	Two-Family – Duplex	10,000	5,000	100	30%(1)	25	6	25	20	2.5	35
	All others	5,000	5,000	50	30%(1)	25	6	25	20	2.5	35

(Continued)

ZONING DISTRICT	BUILDINGS OR STRUCTURES	MINIMUM LOT AREA SQ. FT.	MIN. LOT AREA PER FAMILY SQ. FT.	MIN. LOT WIDTH AT BLDG. LINE(4) FT.	MAXIMUM LOT COVERAGE INCLUDING MAIN STRUCTURE & ALL ACCESSORY BUILDINGS	MINIMUM FRONT SETBACK FT.	YARDS MINIMUM SIDE YARD SETBACKS INTERIOR FT.	EXTERIOR FT.	MINIMUM REAR SETBACK FT.	MAXIMUM NO. OF STORIES	MAX. HEIGHT FT.*
MF-1	Multi-Family	10,890	3,630	60	30%(1)	25	15(2)	25	25	~~2.5~~ *3*	35
	Two-Family – Duplex	7,260	3,630	60	30%(1)	25	6	25	25	~~2.5~~ *3*	35
	Single-Family – Detached	6,000	6,000	60	30%(1)	25	6	25	25	~~2.5~~ *3*	35
	Zero Lot Line	4,800	4,800	40	30%(1)	25	10/0(3)	25	25	~~2.5~~ *3*	35
	All Others Except Accessory*	6,000	-	60	30%(1)	25	6	25	25	~~2.5~~ *3*	35
										(Ordinance No. O-05-27)	
MF-2	Multi-Family	7,260	2,420	60	30%(1)	25	15(2)	25	25	~~2.5~~ *3*	35
	Two-Family – Duplex	6,000	3,000	60	30%(1)	25	6	25	25	~~2.5~~ *3*	35
	Single-Family – Detached	6,000	6,000	60	30%(1)	25	6	25	25	~~2.5~~ *3*	35
	Zero Lot Line	4,000	4,000	40	30%(1)	25	10/0(3)	25	25	~~2.5~~ *3*	35
	All Others Except Accessory*	6,000	-	60	30%(1)	25	6	25	25	~~2.5~~ *3*	35
										(Ordinance No. O-05-27)	
MF-3	Multi-Family	6,000	1,815	60	30%(1)	25	15(2)	25	25	~~2.5~~ *3*	35
	Two-Family – Duplex	6,000	3,000	50	30%(1)	25	6	25	25	~~2.5~~ *3*	35
	Single-Family – Detached	6,000	6,000	50	30%(1)	25	6	25	25	~~2.5~~ *3*	35
	Zero Lot Line	4,000	4,000	40	30%(1)	25	10/0(3)	25	25	~~2.5~~ *3*	35
	All Others Except Accessory*	6,000	-	50	30%(1)	25	6	25	25	~~2.5~~ *3*	35
										(Ordinance No. O-05-27)	
RMH	Mobile Home – Subdivision*	3,800	3,800	38	30%(1)	25	5	20	15	1	15
	Mobile Home – Park*	2 acres	3,800(5)	38(6)	30%(1)	20(7)	10(7)	20(7)	20(7)	1	15

*See Article 601 Special Provisions Conditions Applying to Uses

(1) The lot coverage may be 35% on an exterior or corner lot.
(2) (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 dwellings abut the same zero lot line, a fire wall, as called for by the Building Code is required.
(4) Corner lots shall be at least seventy-five (75) feet wide at the building line to allow for side street building lines, except for corner lots in mobile home subdivisions, which shall be at least fifty-eight (58) feet wide at the building line.
(5) Minimum area for each space for each mobile home.
(6) Minimum width for a mobile home space. Corner mobile home spaces must be a minimum of fifty-two (52) feet wide at the building line.
(7) Minimum setbacks from the perimeter property lines of the mobile home park and from the boundaries of each mobile home space.
(8) The minimum lot area per family may be reduced to 3,125 square feet per family if a conditional use permit to allow this reduction is granted through the conditional use permit procedures established in this ordinance. (Ordinance No. O-02-153)
(9) The lot coverage may be 40% on an exterior or corner lot in R-1 single-family residential.

SECTION 401.5 – COMMERCIAL AND OFFICE DISTRICTS

A. GENERAL DESCRIPTION – COMMERCIAL

Regulations for Commercial Districts are designed to encourage stable and efficient areas to meet the needs for commercial goods and services of the trade area. The districts are designed to minimize the adverse effects of commercial users on other land uses and provide opportunities for investment with development of residential areas and thoroughfares.

The Commercial Districts shall provide sufficient space, at appropriate locations in close proximity to established residential areas for retail and service trade. Such commercial establishments cater to receiving shopping needs of occupants of nearby residential areas.

The Districts shall provide sufficient and appropriate space to meet anticipated future need for planned commercial developments in central shopping districts, regional, community and neighborhood shopping centers.

Provision of off-street parking space in conjunction with commercial area development shall be fostered through Commercial Districts establishment. Establishments will be encouraged through the Districts to congregate in planned developments to the consumer and merchant's advantage.

1. C-1 CENTRAL BUSINESS DISTRICT

   PURPOSE

   A concentrated central core accommodating commercial and personal services of all kinds, governmental, business, financial and general offices to satisfy the needs of the community and surrounding trade area. The uses in this area require a central location accessible from all routes entering the City, and they must be grouped so that the transient or infrequent shopper can park and visit a number of stores and offices on foot.

2. C-2 NEIGHBORHOOD COMMERCIAL DISTRICT

   PURPOSE

   The C-2 District provides use areas for retail trade and personal service enterprises designed to serve surrounding residential neighborhoods. Parking requirements and bulk regulations are more stringent in this area to ensure compatibility with the residential districts which surround it.

Such a district should depend chiefly on neighborhood business and less on larger service areas outside the neighborhood. Such a district may also serve as an extension of an established commercial district. C-2 District shall generally be located at arterial or collector street intersections and should be within walking distance of area neighborhoods. Permitted also shall be a mixture of residential uses to aid integration with established developments and to encourage multi-use project development.

3. C-3 HIGHWAY SERVICE & OPEN DISPLAY DISTRICT

PURPOSE

The C-3 District is designed to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile, as well as to provide certain amusement facilities serving the area. It is also a zone for business that serves a city or regional trade area but which cannot command a location in the Central Business District or Neighborhood Shopping Areas because of small volume, special clientele, need for parking or similar reasons. The district has a high level of vehicular ingress and egress. Merchandise may be of a type that must have special display and storage outside of building and requires special transportation. This type of retail trade is not compatible with pedestrian oriented commercial districts and shopping centers because they impede pedestrian movement. Locations appropriate for such districts are along heavily traveled major arterials.

4. C-4 LARGE SHOPPING CENTER COMMERCIAL DISTRICT

PURPOSE

The purpose of this district shall be to establish and preserve general commercial areas consisting of shopping center and commercial developments where customers reach individual business establishments primarily by automobile. Developments of the C-4 type are intended to serve broad commercial community needs and shall be developed according to an approved plan. Because such districts will frequently be close to residential development, screening setback and other development criteria are included. Such inclusion is present to aid in achievement of compatible relationships between retail developments and adjacent residential areas.

B. GENERAL DESCRIPTION – OFFICE

The purpose of these districts is to provide protection through zoning classifications for existing office use and to encourage new high standard development of office commercial structures. The zones also allow development of colleges and other institutions and uses that are incidental to institutions but not harmful to residential character of neighborhoods.

1. O-1 GENERAL OFFICE DISTRICT

PURPOSE

This district is established for the purpose of providing appropriate locations for well-designed office facilities on large tracts, generally not available in developed areas of the City. Such developments should meet proper requirements for integration with surrounding neighborhoods. This type of development could be in an undeveloped area or facilitate expansion of a present facility. Low intensity land use and a park type setting are characteristic of this district. Limited retail and service uses are permitted as accessories to the principal use.

This district is also established to accommodate offices and associated administrative, executive and professional uses in new and existing structures together with specified institutional and accessory uses. The O-1 District is characterized by freestanding buildings and ancillary parking, and shall be limited to arterial streets, locations in developed areas or carefully selected areas where public utilities, community facilities and other services could support such development.

2. O-2 QUIET OFFICE DISTRICT

PURPOSE

The purpose of this district is to provide conversion of older structures no longer useful, serviceable or desirable in present use to office use. Such offices will be located in established city areas and in close proximity to apartments and other residential uses. Parking and heights will be designed for compatibility with the residential area adjacent to it. New construction designed to reinforce existing area characteristics and not detrimental to the use of the surrounding projects for residential use will also be allowed in the district.

3. O-3 RESTRICTED OFFICE DISTRICT

PURPOSE

The purpose of this district is to provide conversion of older structures no longer useful, serviceable, or desirable in present use to office use and to provide appropriate locations for offices which are in proximity to both residential and nonresidential zones. Such offices will have minimal to no negative impact on the residential areas. Parking and heights will be designed for compatibility with any residential area adjacent to it. Single-family and duplex construction will also be allowed in this district. New construction designed to reinforce existing area characteristics and not detrimental to the use of the surrounding projects for residential use will also be allowed in the district.

C. USE REGULATIONS

1. Permitted Uses

The permitted uses for this district are set forth below. Where the letter "X" appears on the line of a use and column of a district the listed use is permitted. Where the letter "C" occurs similarly within the chart the use is permitted subject to acquiring a conditional use permit as set forth in Article 901 – Section 901.2. Where neither "X" nor "C" appears similarly within the chart, the use is not permitted.

Permitted uses in these districts are subject to (a) the provision for off-street parking as required in Article 501, except for the C-1 Central Business District; (b) conformance to the special conditions applying to certain uses and set forth in Article 601 where such reference is made; and (c) the provision of off-street loading in accordance with Article 501.

USES (PERMITTED - X) (CONDITIONAL – C)	ZONING DISTRICTS C-1	C-2	C-3	C-4	O-1	O-2	O-3
1. COMMERCIAL							
▪ Bed and Breakfast							C
▪ Burial Facilities	C		C	C	C	C	
▪ Child Care Facilities*	X~~C~~ *(Ordinance O-14-09)*	X	X	X	~~X~~*C*	~~X~~*C*	C
▪ Hotel/Motel	X		X	X	C	C	

*See Article 601 Special Provisions Conditions Applying to Uses

USES (PERMITTED - X) (CONDITIONAL – C)	ZONING DISTRICTS C-1	C-2	C-3	C-4	O-1	O-2	O-3
COMMERCIAL (continued)							
▪ Laboratory Research Facilities	C		C	C	C		
▪ Mortuary	X	C	X	X	X		
▪ Newspaper Office/Print Shop	X		X	X	X		
▪ Office	X	X	X	X	X	X	X
▪ Recreational Facilities, Commercial	X	C	X	X	X	C	C
▪ Recreational Vehicle Parks*			X				
▪ Retail General	X	C	X	X	C	C	
▪ Retail-High Impact	C	C	X	X			
▪ Retail Restricted	X	X	X	X	C	C	C
▪ Vehicle Sales	C		X	C			
▪ Veterinarian Service/Large Animal	C	C	X	X			
2. INDUSTRIAL USES							
▪ Hazardous Material Storage as Primary Use	C	C	C	C	C	C	C
▪ Mining	C	C	C	C	C	C	C
▪ Vehicle Salvage			C				
3. COMMUNITY FACILITIES AND PUBLIC UTILITIES							
▪ Arena/Auditorium as Principal Use	X		X	X	C		
▪ Hospital Services*	X		X	X	X		
▪ *Indoor Firing Range*			*C*	*C (Ordinance O-12-46)*			
▪ Publicly-Owned Service Facilities	X	X	X	X	X	C	C
▪ Recreational Facility, Community	X	X	X	X	X	X	X
▪ Religious Facilities*	X	C	X	X	X	C	C

*See Article 601 Special Provisions Conditions Applying to Uses

USES (PERMITTED - X) (CONDITIONAL – C)	ZONING DISTRICTS C-1	C-2	C-3	C-4	O-1	O-2	O-3
COMMUNITY FACILITIES AND PUBLIC UTILITIES (continued)							
▪ School Facilities	X	X	X	X	X	X	X
▪ Sewer Treatment Plant	C	C	C	C	C	C	C
▪ Solid Waste Disposal	C	C	C	C	C	C	C
▪ Transmission Towers/Station* *(Asterisk added by Ordinance O-98-33)*	C	C	C	C	C	C	C
▪ Transportation Facilities/ Excluding Airports	C	C	X	X	C	C	C
▪ Utility Facility	C	C	C	C	C	C	C
4. RESIDENTIAL USES							
▪ Adult Day Care	C	C	C	C	C	C	C
▪ Convalescent/Maternity/Nursery Facility	X	C	C	X	X	C	
▪ Duplex/2-Family Dwelling	~~C~~X *(Ordinance O-01-83)*	C	C	C	C		X
▪ Home Occupation*	X	X	X	X	X	X	X
▪ Manager/Caretaker Residence X	X	X	X	X	X	X	
▪ Manufactured Housing*	C	C		C	C	C	X
▪ Multi-Family Dwelling	~~C~~X *(Ordinance O-01-83)*			C	C		
▪ *Up to 12 dwelling units per acre, single lot*	*X Ordinance O-05-74*	*C*	*C*	*C*			
▪ *Up to 18 dwelling units per acre, single lot*	*X Ordinance O-05-74*	*C*	*C*	*C*			
▪ *Up to 24 dwelling units per acre, single lot*	*X Ordinance O-05-74*	*C*	*C*	*C*			
▪ Shelter for the Homeless	~~X~~C	C	C	C			
▪ Single Family Dwelling*	~~C~~*X* *(Ordinance O-01-83)*	C		C	C	C	X
5. AGRICULTURAL USES							
▪ Agricultural-Commercial	C	C	C	C	C	C	C
▪ Agricultural-Limited	X	X	X	X	X	X	X
6. OTHER USES							
▪ Parking Lots as Principal Use	X		X	X	X		

*See Article 601 Special Provisions Conditions Applying to Uses

2. Accessory Uses Permitted

Accessory uses that are incidental to permitted uses shall be permitted in the Commercial Districts subject to the provisions of Article 601, pertaining to accessory buildings and improvements. Accessory uses may include the following accessory signs subject to provisions of Article 601: business signs, real estate signs and subdivision signs

D. 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 zones, each lot must have a minimum of twenty-five (25) feet of street frontage.*~~ In C-4 zones, each lot must have a minimum of three hundred (300) feet of street frontage. *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*. *(Ordinance O-00-153)*

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.

LOT REGULATIONS	ZONING DISTRICT C-1	C-2	C-3	C-4	O-1	O-2	O-3[1] a	O-3[1] b
Minimum Lot Area (Square Feet)	None	5,000	5,000	5 acres	15,000	7,000	10,000	6,000
Minimum Lot Width at Building Line (Feet)	25	50	50	300	100	*50*	100	*50*
						(Ordinance No. O-00-42)		
Maximum Lot Coverage (Percent)	100%	35%	50%	40%	50%	35%	30%	30%[5]
YARD REGULATIONS (IN FEET)[2][8][9]								
Minimum Front Yard[7])	0	25	40	40	25	25	40	25
Minimum Rear Yard	0	10	10	30	15	25	20	20
Minimum Side Yard								
Interior								
When abutting Property in Residential District	0	12	12	40	10	8	10	6
When Abutting Property in Nonresidential District	0	5	0	40	10	8	10	6
Exterior	0	15	15	40	25	25	25	25
HEIGHT REGULATIONS*								
Maximum Number of Feet	~~35~~	25	35	45	45[3]	35[4]	35	35
	No limit (Ordinance No. O-02-30)							
Maximum Number of Stories	-	2	2.5	3.5	-	2.5	2.5[6]	2.5[6]

FOOTNOTES: *See Article 601 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 601 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 601.24 – 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. (Ordinance O-00-126)

(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. (Ordinance O-00-127)

E. DEVELOPMENT CRITERIA

Unless otherwise specifically provided in this section, the following development criteria shall apply.

1. All Commercial Districts

   a. Any lighting shall be placed so as to reflect away from adjacent residential districts. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site.

   b. All trash receptacles and pickup shall be oriented away from the street side of the property and adequately screened by a sight-proof fence.

   c. All of the lot used for the storage and display of vehicles or merchandise shall be a dust-proof surface such as SB-2 gravel or paved with a sealed surface which shall be maintained in such a manner that dust shall not be produced. All driveways used for vehicle ingress and egress shall be paved in accordance with the requirements of Article 501.

2. Additional Criteria – Open Display Developments

   a. Yards without buildings or merchandise shall be landscaped with grass or shrubs if possible, but shall at least be maintained in an orderly manner.

   b. All traffic ways and driveways used for entry and exit shall be paved with a sealed surface and maintained in such a manner that dust shall not be produced.

   c. A completely enclosed building shall be provided for service and assembly of vehicle and equipment. Such activity shall be considered an incidental part of the retail operation.

   d, No material or article stored or offered for sale shall be stored or displayed outside area buildings unless it is screened by a permanent screen such as a fence or wall. This is to ensure that such display cannot be seen from an adjoining lot. Screening and display criteria shall include:

      1) Minimum height of screening fence or wall shall be six (6) feet.

2) Minimum height of screening fence or wall shall be six (6) feet.

3) Automobile, truck, tractor, mobile home, boat or motorcycle sales area shall not be required to screen fully assembled merchandise, ready for sale.

4) No permanent open display shall be permitted on sidewalks or public rights-of-way.

5) Storage space for automobile service stations when storing rental trucks or trailers must not exceed four thousand (4,000) square feet and must be paved and screening requirements met.

e. There shall be a setback of twenty (20) feet for open display of any kind.

3. Additional Criteria in C-1 Central Business District

All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, promotional events, and the normal pump island services of service station operations. In addition, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the façade area of the front of the building as long as said display of merchandise is stored inside the building or other completely enclosed area after normal working hours.

All dwelling units in the C-1 Central Business district are required to obtain an occupancy permit from the City of Conway prior to occupation of that dwelling unit in order to assure compliance with appropriate building, fire safety, plumbing, electrical, mechanical and other codes. (Ordinance O-01-89)

4. Additional Criteria in C-4 – Large Shopping Center Developments

~~*a. All properties within the District shall be developed in accordance with a unified site plan submitted to and adopted by the Planning Commission.*~~ *(Ordinance No. O-02-77)*

b. Commercial uses shall be restricted to closed buildings, with the exception of parking lots, plant nurseries, promotional events, and gas pump islands used in service stations. Additionally, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the façade area of the building front as long as said display of merchandise is stored inside the building or other enclosed area after normal working hours.

c. Minimum separation of detached buildings shall be twenty (20) feet.

d. Ingress, egress, and service provisions shall be subject to the requirements of the present Subdivision Ordinance.

e. Freestanding accessory structures subordinate to but compatible with the shopping center shall occupy a maximum of forty percent (40%) of the frontage of any abutting boundary street.

f. The minimum forty (40) foot yard setback shall be landscaped and maintained by property owners. No parking of wheeled vehicles shall be allowed in the forty (40) foot setback.

5. Additional Criteria for O-1 General Office District

a. A permanent opaque screening fence or wall shall be constructed along any side or rear property line which abuts property zoned for residential purposes. The height of any fence, wall or other durable opaque barrier shall be not less than five (5) feet, and not more than six (6) feet tall.

b. Properties in this District shall be contiguous. ~~*and developed under a unified site plan approved by the Planning Commission.*~~ *(Ordinance No. O-02-77)*

c. Accessory uses shall be permitted only when incidental to primary use. No accessory use may utilize over a maximum of ten percent (10%) of floor space of the primary use.

d. Detached buildings shall be separated by a minimum distance of twenty (20) feet.

e. Ingress, egress and service easement provisions shall comply with the City Subdivision Ordinance.

f. A twenty-five (25) foot landscaped setback parallel to and abutting any boundary street shall be provided and maintained by the owner with restricted parking allowing no wheeled vehicles.

SECTION 401.6 – INDUSTRIAL DISTRICTS

A. GENERAL DESCRIPTION

The Industrial District Zones are to provide for development of light to heavy industrial uses and related facilities. The regulations for the Industrial Districts are designed to:

(1) make available a range of suitable sites for all types of manufacturing and related activities; (2) protect residences by separating them from manufacturing activities and by limiting the use of each space for new residential development; (3) provide restricted areas for those industries emitting objectionable noises, odors, or which involve danger of fire or explosives; (4) to protect industrial activities and related developments against congestion, as appropriate for each area, by limiting building bulk in relation to surrounding land and other industries and providing off-street parking and loading with each development; (5) to promote desirable land use and building development direction and to provide stability for industry and related development in an effort to strengthen the City's economic base; and (6) to protect district character and usage and to conserve land and building value.

1. I-1 INTERMEDIATE INDUSTRIAL DISTRICT

   PURPOSE

   The I-1 District is designed to provide a use area for wholesaling, storage, packaging, display, distribution and those retail uses that are accessory to the operations and for light manufacturing, assembling and fabrication of a non-nuisance nature.

2. ~~I-2 RESTRICTED INDUSTRIAL DISTRICT~~ *RU-1 RESTRICTED USE DISTRICT*
(Ordinance O-03-148)

   PURPOSE

   The ~~I-2~~ *RU-1* District *(Ordinance O-03-148*) is a restricted manufacturing zone for clean and quiet industries that are in proximity to residential development. The regulations are intended to provide structures and operations that completely confine noise, odor, dust and glare of operation within an enclosed building. The uses in this zone do not create excessive demands for facilities for sewage, water, gas, electricity and similar services.

3. I-3 INTENSIVE INDUSTRIAL DISTRICT

   PURPOSE

   The I-3 District is designed primarily to provide a zone for those manufacturing and other industrial activities objectionable to business and residential uses by reason of operational characteristics and insulated from these uses by strips of less objectionable industry or natural barriers. This zone is intended to provide a place for manufacturing products from raw materials.

B. USE REGULATIONS

1. Permitted Uses

The permitted uses for this district are set forth below. Where the letter "X" appears on the line of a use and column of a district, the listed use is permitted. Where the letter "C" occurs similarly within the chart, the use is permitted subject to acquiring a conditional use permit as set forth in Article 901 – Section 901.2. Where neither "X" nor "C" appears similarly within the chart, the use is not permitted.

Permitted uses shall be subject to (a) the provision of off-street parking in Article 501, (b) conformance to the special conditions applying to certain uses as set forth in Article 601, where such reference is made; and (c) the provisions for off-street loading in accordance with Article 501.

USES (PERMITTED – X) (CONDITIONAL – C)	**ZONING DISTRICT** **I-1**	**~~I-2~~** *RU-1 (Ordinance O-03-148)*	**I-3**
1. INDUSTRIAL USES			
(a) Manufacturing			
▪ Manufacturing - Hazardous			C
▪ Manufacturing – Intensive			X
▪ Manufacturing – Light	X	C	X
(b) Non-Manufacturing			
▪ Hazardous Material Storage as Primary Use	C		C
▪ Mining	C	C	C
▪ Sand/Grave/Earth Sales Storage	C		X
▪ Tanning/Rendering			C
▪ Vehicle Salvage	C		X
2. COMMERCIAL			
▪ Burial Facilities	C	C	C
▪ Child Care Facilities	C	C	C
▪ Hotel/Motel	X	C	

USES (PERMITTED – X) (CONDITIONAL – C)	ZONING DISTRICT I-1	~~I-2~~ RU-1 *(Ordinance O-03-148)*	I-3
2. COMMERCIAL (continued)			
▪ Laboratory Research Facilities	C	C	C
▪ Newspaper Office/Print Shop	X	X	X
▪ Office	X	X	X
▪ Recreational Facilities, Commercial	X	C	C
▪ Retail – General	X	C	C
▪ Retail – High Impact	C	C	C
▪ Retail – Restricted	X	C	C
▪ Vehicular Sales	X		
▪ Veterinarian Service/Large Animal	X	C	X
3, COMMUNITY FACILITIES & PUBLIC UTILITIES			
▪ Airport Activities			C
▪ Arena Auditorium as Principal Use	X		
▪ Hospital Services	C	C	C
▪ *Indoor Firing Range*	*C*	*C*	*C (Ord. O-12-46)*
▪ Publicly-Owned Service Facilities	X	X	X
▪ Recreational Facilities, Community	X	C	C
▪ School Activities	X	X	~~X~~ C (*Ord. O-04-90)*
▪ Solid Waste Disposal	C	C	C
▪ Transmission Towers/Station* *(Asterisk added by Ordinance O-98-33)*	C	C	C
▪ Transportation Facilities/Excluding Airports	C	C	X
▪ Utility Facility	C	C	C
4. Agricultural Uses			
▪ Agricultural-Commercial	C	C	C
▪ Agricultural-Limited	X	X	X
▪ Sewer Treatment Plant*	C	C	C

USES (PERMITTED – X) (CONDITIONAL – C)	ZONING DISTRICT I-1	~~I-2~~ RU-1 (Ordinance O-03-148)	I-3
5. OTHER USES			
▪ Manager/Caretaker Residence	X	X	X
▪ Parking Lot As Principal Use	X	X	X

*See Article 601 Special Provisions Conditions Applying to Uses

3. Accessory Uses Permitted

Accessory uses that are incidental to permitted uses shall be permitted in the Industrial Districts subject to the provisions of Article 601 pertaining to accessory buildings and improvements. Accessory uses may include the following accessory signs, subject to provisions of Article 601: business signs, real estate signs and subdivision signs.

C. 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.

LOT REGULATIONS	ZONING DISTRICT I-1	~~I-2~~ ***RU-1*** *(Ordinance O-03-148)*	I-3
Minimum Lot Area (Square Feet)	10,000	20,000	20,000
Minimum Lot Width at Building Line (Feet)	100	100	100
Maximum Lot Coverage (Percent)	50%	40%	40%
YARD REGULATIONS (IN FEET)(3)			
Front Yard(4)	40	50	25
Side Yard(3)			
Abutting Street Right-of-Way	25	25	15
Abutting a Residential District	20	20	50
Abutting Other Property Lines(1)	0	0	0
Rear Yard			
Abutting Street Right-of-Way	35	25	50
Abutting Other Property Lines(1)			
Abutting a Residential District	20	20	50
Abutting a Non-Residential District	12	12	12
HEIGHT REGULATIONS(2)			
Maximum Number of Feet	35	35	75
Maximum Number of Stories	2.5	2.5	6.5

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 601.24 – Setbacks on Corner Lots.

D. DEVELOPMENT CRITERIA

Unless otherwise specifically provided in this section, the following development criteria shall apply:

1. All Industrial Districts

   a. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts. No noise, odor, or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.

   b. Outdoor storage of trash receptacles shall be at the sides or rear of the site and shall be totally encircled or screened by a sight-proof fence, planting or other suitable visual barrier.

   c. A permanent opaque screening fence or wall shall be constructed along any side or rear property line, which abuts property zoned for residential purposes. The height of this screen or wall shall be not less than six (6) feet and shall be constructed of wood, masonry or other durable opaque material, and finished in a manner appropriate to the appearance and use of the property.

   d. No loading or storage of material shall be permitted in the required front yard.

2. Additional Criteria in I-1 Industrial District

   Every use or any part thereof that is not conducted within a building completely enclosed on all sides shall be screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in the “I-1” – Industrial District:

   a. The height of any opaque screening fence or wall shall not be less than six (6) feet.

   b. Automobile, bus, truck, tractor, mobile home, boat or motorcycle, and wheeled and/or tracked industrial vehicle storage areas are not required to screen fully assembled merchandise which is ready for sale.

   c. Other business uses shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not larger than an area equal to one-half (1/2) of the façade area of the front of the building.

3. Additional Criteria in I-3 Industrial District

All of the lot used for the storage and display of vehicles or merchandise shall be a dust-proof surface such as SB-2 gravel or paved with a sealed surface that shall be maintained in such a manner that dust shall not be produced. All driveways used for vehicle ingress and egress shall be paved in accordance with the requirements of Article 501. (Ordinance No. O-02-152)

SECTION 401.7 – Special Zoning Districts (Ordinance O-11-30)

GENERAL DESCRIPTION

Special zoning districts do not readily conform to standard Residential, Office, Commercial, Institutional, or Industrial classifications. These special districts allow a greater degree of land use functions, design, and/or unique geographical criteria. (Ordinance O-11-30)

1. T-J Rural District

A. Purpose

The T-J Rural Zone is a zoning district within Conway's Territorial Jurisdiction consisting of less densely populated areas in open or cultivated states, some low density residential developments, and scattered commercial and industrial uses. Typical buildings are farmhouses, agricultural buildings, and single-family residences. Streets are typically rural in nature with open ditches with the exception of higher density residential developments with curbed and guttered streets.

B. Permitted Uses

The permitted uses for this district are set forth below. If the the letter "X" appears the listed use is allowed by right. Where the letter "C" occurs, the use is permitted subject to acquiring a conditional use permit as set forth in Article 901 – Section 901.2. If no "X" or "C" appears within the chart, the use is not permitted.

ZONING DISTRICT T-J USES	*Permitted - X* *Conditional - C*
Agricultural Uses	*X*
Residential Uses - All forms of residential housing including multi-family and mobile homes	*X*
Home Occupation	*X*
Industrial Uses	*C*
Manufacturing	*C*
Commercial Uses	*C*
Gas, Oil, and Mineral Exploration	*C*
Community and Public Facilities	*C*
Religious Activities	*C*
Commercial Businesses	*C*
Office Uses	*C*
Transmission Towers	*C*
Seasonal Sales (Including fireworks)	*X*
Temporary Sales	*X*

C. LOT, YARD AND HEIGHT REGULATIONS

All subdivision activity within the Conway Territorial Jurisdiction is subject to the regulations of the Conway Subdivision Ordinance O-00-03.

No lot or yard shall be established or reduced in dimension or area in any T-J Rural 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 foot of each yard setback is provided for each one foot of additional height.

A minimum of ten (10) feet shall separate all detached buildings. Accessory buildings shall meet the same requirements as principal buildings.

LOT REGULATIONS	DIMENSION, LIMIT, OR AREA LARGE LOT SUBDIVISION (LOTS WITH ≥150 STREET FRONTAGE)	DIMENSION, LIMIT, OR AREA SMALL LOT SUBDIVISION (LOTS WITH ≤150 STREET FRONTAGE)
Minimum Lot Area	None	6000 square feet
Minimum Lot Width at Building Line	None	60 feet
Maximum Lot Coverage	None	35% (40% Corner Lots)
Number of Buildings / Lot	No Limit	1 Principal Use + Accessory Building
YARD REGULATIONS		
Minimum Front Yard	0	25
Minimum Side Yard - Interior	0	6
Minimum Side Yard - Exterior	0	25
Minimum Rear Yard	0	25
HEIGHT REGULATIONS		
Maximum Number of Feet	None	35(1)
Maximum Number of Stories	None	2.5

D. General Regulations:
Building Permits and Inspections - Within the T-J Rural Zone, no building permits or inspections shall be required.

Signage - Signage shall be regulated as per Conway Sign Regulations found in Section 1301 of the Conway Zoning Ordinance. Signs of a temporary nature in support of temporary sales events shall be allowed without obtaining a sign permit. These signs shall be on premise at the temporary sale location.

Development Review - Development Review as per Article 1101 of the Conway Zoning Ordinance shall not be required within the T-J Rural Zone.

Loss of pre-existing status - All nonconforming land uses, buildings, and structures shall be regulated as per Article 701 of the Conway Zoning Ordinance. With the exception of the one year period as specified in 701.3 - Nonconforming Uses, 701.3.A - Building Vacancy and 701.3.B - Damage or Destruction of Buildings or Structures, and 701.3.D - Change in Use. A nonconforming use shall lose its legal pre-existing nonconforming status upon closure and/or vacancy and must seek a conditional use permit to continue operation within the Rural T-J Zoning District.

Seasonal Sales - Sales of a seasonal nature such as Christmas Trees, fireworks, and flowers held indoors or outdoors.

Temporary Sales - Sales of a temporary nature held at a temporary location.

SECTION 401.~~7~~8 – A-1 AGRICULTURAL DISTRICT

A. GENERAL DESCRIPTION AND PURPOSE

The regulations for the A-1 Agricultural Zoning District are designed to preserve and protect prime agricultural lands and to protect undeveloped areas from intensive uses until a use pattern is approved.

B. USE REGULATIONS

1. Permitted Uses

The permitted uses for this district are set forth below. Where the letter "X" appears on the line of a use and column of a district, the listed use is permitted. Where the letter "C" occurs similarly within the chart, the use is permitted subject to acquiring a conditional use permit as set forth in Article 901 – Section 901.2. Where neither "X" nor "C" appears similarly within the chart, the use is not permitted.

USES (PERMITTED – X) (CONDITIONAL – C)	ZONING DISTRICT A-1
1. AGRICULTURAL USES	
▪ Agri - Commercial	X
▪ Agri – Limited	X
2. INDUSTRIAL USES	
a. Manufacturing	
b. Non-Manufacturing	
▪ Mining	C
3. COMMUNITY FACILITIES/PUBLIC UTILITIES	
▪ Hospital Services	C
▪ Publicly-Owned Service Facility	C
▪ Recreational Facilities, Community	C

USES (PERMITTED – X) (CONDITIONAL – C)	ZONING DISTRICT A-1	
3.COMMUNITY FACILITIES/PUBLIC UTILITIES (continued)		
▪ Religious Activities	C	
▪ School Activities	C	
▪ Sewer Treatment Plant	C	
▪ Solid Waste Disposal	C	
▪ *Transmission Towers/Station*	*C*	*(Ordinance O-13-62)*
▪ Transportation Facilities/ Excluding Airports	C	
4. COMMERCIAL		
▪ Burial Facilities	C	
▪ Child Care Facilities	C	
▪ Laboratory/Research Facility	C	
▪ Sand/Gravel/Earth Sales/Storage	C	
▪ Veterinarian Services/Large Animal	X	
5. RESIDENTIAL		
▪ Convalescent/Maternity/Nursing Facility	C	
▪ Home Occupation	X	
▪ Manager/Caretaker Residence	X	
▪ Manufactured Housing	X	
▪ Single Family	X	

2. Accessory Uses Permitted

Accessory uses that are incidental to permitted uses in the Agricultural District and not detrimental to the adjacent property or character of the zone may include guest houses, employee's quarters and agricultural buildings. Accessory uses may include the

following accessory signs, subject to provisions of Article 601: bulletin boards, business signs, home occupation signs, identification signs, name plates, real estate signs and subdivision signs.

C. 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 foot of each yard setback is provided for each one 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.

	ZONING DISTRICT
LOT REGULATIONS	A-1
Minimum Lot Area (Square Feet)	43,560 (one acre)
Minimum Lot Width at Building Line (Feet)	150
Maximum Lot Coverage (Percent)	30%
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.

SECTION 401.~~8~~*9* – ~~*S-1*~~ INSTITUTIONAL DISTRICT*S*

A. GENERAL DESCRIPTION AND PURPOSE

The regulations for the ~~*S-1 Institutional Zoning District*~~ *institutional zoning districts* are designed to provide for unified and orderly development of major cultural, educational, medical and governmental facilities. Such developments should meet proper requirements for integration with surrounding neighborhoods. This type of development could be in an undeveloped area or facilitate expansion of a present facility. Limited retail and service uses are permitted as accessories to the principal use.

1. S-1 INSTITUTIONAL DISTRICT

PURPOSE

The S-1 Institutional District is designed to provide a use area for large developments involving schools other than regionally accredited colleges, churches and other institutional uses and for limited retail and service uses that are accessories to the principal use.

2. S-2 INSTITUTIONAL DISTRICT

PURPOSE

The S-2 Institutional District is designed to provide a use area for large developments of regionally accredited colleges and/or hospitals and for limited retail and service uses that are accessories to those principal uses.

B. USE REGULATIONS

1. PERMITTED USES

The permitted uses for ~~*this*~~ *these two* districts are set forth below. Where the letter "X" appears on the line of a use and column of a district, the listed use is permitted. Where the letter "C" occurs similarly within the chart, the use is permitted subject to acquiring a conditional use permit as set forth in ARTICLE 901 – SECTION 901.2. Where neither an "X" nor a "C" appears similarly within the chart, the use is not permitted.

Permitted uses shall be subject to (a) the provision for off-street parking as required by ARTICLE 501, (b) conformance to the special conditions applying to certain uses as set forth in ARTICLE 601, where such reference is made; and (c) the provision of off-street loading in accordance with Article 501.

USES (PERMITTED - X) (CONDITIONAL – C)	ZONING DISTRICTS S-1	S-2
1. COMMERCIAL		
▪ Burial Facilities	C	*C*
▪ Child Care Facilities*	X	*X*
▪ Hotel/Motel	C	*X*
▪ Laboratory/Research Facility	C	*X*
▪ Mortuary	C	*X*

USES	(PERMITTED - X) (CONDITIONAL – C)	ZONING DISTRICTS ***S-1***	 ***S-2***
	▪ Newspaper Office/Print Shop	*C ~~X~~*	*X*
	▪ Offices	X	*X*
	▪ Retail – General	C	*C*
	▪ Retail – Restricted	C	*X*
	▪ Veterinarian – Large Animal	C	*X*
2.	RESIDENTIAL		
	▪ Adult Day Care	C	*X*
	▪ Convalescent/Maternity/Nursing Home	X	*X*
	▪ Duplex	C	*X*
	▪ Fraternity/Sorority	*C ~~X~~*	*X*
	▪ Home Occupation	X	*X*
	▪ Manager/Caretaker Residence	X	*X*
	▪ Manufactured Housing	X	*X*
	▪ Multi-Family	C	*X*
	▪ Shelter for Abused Persons	X	*X*
	▪ Single Family Home	X	*X*
3.	AGRICULTURAL		
	▪ Agricultural – Commercial	C	*X*
	▪ Agricultural – Limited	X	*X*
4.	COMMUNITY FACILITIES/PUBLIC UTILITIES		
	▪ Arena/Auditorium as Principal Use	C	*X*
	▪ Hospital Services	X	*X*
	▪ Publicly-Owned Service Facility	X	*X*
	▪ Recreational Facilities, Community	X	*X*
	▪ Religious Facilities	X	*X*
	▪ School Facilities	X	*X*
	▪ Sewer Treatment Plant	C	*C*
	▪ Solid Waste Disposal	C	*C*
	▪ Transmission Tower/Station*	C	*C*
	▪ Transportation Facilities/Excluding Airports	C	*C*
	▪ Utility Facility	C	*C*

USES (PERMITTED - X) (CONDITIONAL – C)	ZONING DISTRICTS S-1	S-2
5. INDUSTRIAL USES		
a. Manufacturing		
b. Non-Manufacturing		
▪ Mining	C	*C*
6. OTHER USES		
▪ Parking Lot as Principal Use	C	*X*

*See Article 601 Special Provisions Conditions Applying to Uses

2. ACCESSORY USES PERMITTED

Accessory uses that are incidental to permitted uses shall be permitted in the Institutional Districts, subject to the provisions of Article 601, pertaining to accessory buildings and improvements. ~~*Accessory uses may include the following accessory signs subject to provisions of Article 601: business signs, real estate signs and subdivision signs.*~~

C. LOT, YARD AND HEIGHT REQUIREMENTS

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	*S-2*
Minimum Lot Area (Square Feet)	43,560 (one acre)	*7,500*
Minimum Lot Width at Building Line (Feet)	150	*60*
Maximum Lot Coverage (Percent)	40%	*40%(1)*
YARD REGULATIONS (IN FEET)		
Minimum Front Yard	25	*25*
Minimum Side Yard		
Interior	25	*25(2)*
Exterior	25	*25*
Minimum Rear Yard	25	*25*
HEIGHT REGULATIONS		
Maximum Number of Feet	~~75~~ 100 *(Ord. O-07-72)*	~~*75*~~ *100(3) (Ord. O-07-72)*
Maximum Number of Stories	~~6.5~~ 6 *(Ord. O-07-72)*	~~*6.5*~~ *6(3) (Ord. O-07-72)*

FOOTNOTES:

(1) For lots in the S-2 Zoning District that are less than one acre in size and/or less than 150 feet in width at the building line, the maximum lot coverage allowed is 30%.

(2) For lots in the S-2 Zoning District that are less than one acre in size and/or less than 150 feet in width at the building line, the minimum interior side yard setback is eight (8) feet.

(3) For lots in the S-2 Zoning District that are less than one acre in size and/or less than 150 feet in width at the building line, the maximum allowed height of a building is 35 feet and the maximum allowed number of stories is 2.5.

D. DEVELOPMENT CRITERIA

The following development criteria shall apply to these Zoning Districts unless otherwise specified in this Section.

1. Properties in this District shall be contiguous. ~~*and developed under a unified site plan approved by the Planning Commission.*~~ *(Ordinance No. O-02-77)*
2. Accessory uses shall be permitted only when incidental to primary use.
3. Ingress, egress and service easement provisions shall comply with the City Subdivision Ordinance.
4. *For lots that are one acre or more in size and one hundred fifty (150) feet or more in width at the building line, there shall be a* ~~*A*~~ twenty-five (25) foot landscaped setback parallel to and abutting any boundary street *that* shall be provided and maintained by the owner with restricted parking allowing no wheeled vehicles.

(Ordinance No. O-02-172)

SECTION 401.10 – PLANNED UNIT DEVELOPMENT

A. General Description. The Planned Unit Development (PUD) district is intended to accommodate developments that might otherwise be impractical or impossible to implement through traditional zoning. Through a coordinated effort involving public participation, a PUD district offers the developer an opportunity to create a unique project that also provides an appropriate level of compatibility with surrounding development. A PUD project allows the creation of alternative development standards in order to address each PUD's unique characteristics. Variances include, but are not limited to; land use, building setbacks, parking, density, etc. The PUD district also allows the setting of conditions by the Planning Commission/City Council including, but not limited to; land use, building setbacks, parking, density, common space, green space, ingress/egress points, architectural design, and landscaping/buffering.

   A Planned Unit Development request includes both a rezoning request and a PUD plan. In reviewing a proposed PUD district, the Planning and Development Department, Planning Commission, and City Council consider these components in tandem. Approval of a PUD district by the City Council includes approval of both the rezoning request and the PUD plan. Upon approval, the proposed project must also be platted in accordance with the subdivision regulations and undergo Development Review, as outlined in Article 1101 of the Conway Zoning Ordinance. A plat is not required if the property has already been legally platted.

B. Planned Unit Development Requirements. Because a Planned Unit Development should be designed to function in a cohesive manner, the PUD proposal should provide a sidewalk system, common space, and, typically, a property owners association. The location of the site in relation to existing roads, services, and neighborhoods shall be taken into account. The Director of Planning and Development, the Planning Commission, and/or the City Council may require additional provisions.

   1. Relation to Utilities and Major Roads. A Planned Unit Development district shall be located in relation to utility systems, storm drainage systems, and major roads so that neither extension nor enlargement of such facilities at public expense shall be necessary. However, PUD districts may be approved at locations lacking such services if the applicant makes provision to offset the cost of extension and/or enlargement of such services.

   2. Internal Street Network. A Planned Unit Development shall include an internal system of streets, parking aisles, and/or cross access drives that can safely and efficiently accommodate vehicular traffic generated by the PUD. Where site conditions are sufficient, a gridded road network that provides maximum connectivity within the PUD and with surrounding development is desirable.

   3. Sidewalk System. Unless there are outstanding design reasons that warrant otherwise, all internal streets within a Planned Unit Development shall include pedestrian sidewalks, which shall be constructed in accordance with Section 1101 of the Zoning Ordinance.

   4. Common Space. The incorporation of plazas, courtyards, and other outdoor spaces for people to gather is encouraged. These common spaces should be located in an area of the site which makes the space easily identifiable and accessible for public and/or private use. Proximity and connectivity to existing public/private common space such as parks, trails, greenbelts, playgrounds, and natural areas should be taken into

consideration. These public/private common spaces should be sheltered as much as possible from incompatible uses.

5. Green Space / Pervious Surface

    a. Planned Unit Developments less than three acres shall dedicate a minimum of 5 percent to 20 percent of the total project area to pervious surface typically reserved for green space and/or landscaping.

    b. Planned Unit Developments three acres or larger shall dedicate a minimum of 20 percent of the total project area to pervious surface typically reserved for green space and/or landscaping.

6. Property Owners Association. The Planned Unit Development proposal shall include provision for a property owners association. This requirement may be waived where a property owners association may not be necessary such as a PUD with a sole owner. The property owners association shall consist of all persons and corporations owning property within the PUD. Maintenance of all common areas, parking areas, and refuse facilities shall be the responsibility of the property owners association. Cost for sharing such maintenance shall be specified in the property owners association agreement.

7. Plan Preparation. Pre-application plans do not require a design professional stamp, however applicants are encouraged to work with design professionals as early as possible in PUD planning. The Planned Unit Development proposal officially submitted for Planning Commission review shall be reviewed and stamped by an architect, landscape architect, or engineer licensed by the State of Arkansas.

C. Procedures For Obtaining PUD Approval

1. Pre-Application Reviews

    a. Department Meeting. The PUD applicant shall present a draft PUD proposal to Planning and Development Department staff. The draft PUD proposal should include a rough sketch of a site plan and an explanation of why a PUD district is necessary for development. Pre-application plans do not require a design professional stamp. The applicant should become familiar with the Zoning and Subdivision Ordinances prior to the scheduled Department Meeting. The Director of Planning and Development and staff will provide the applicant with comments and recommendations.

    b. Development Review Committee Pre-Application Conference. Following the Department Meeting, the Director of Planning and Development will schedule a Pre-Application Conference with the Development Review Committee, which consists of representatives of the Planning and Development Department, Street Department, Sanitation Department, Fire Department, and Conway Corporation. At the Director of Planning and Development's discretion, other relevant parties may be asked to attend the Pre-Application Conference to offer comments and suggestions. The applicant shall present a PUD proposal to the Development Review Committee that includes draft versions of a site plan including any common space and/or green space, descriptions of land uses, and street layout. Building elevations may also be presented. Pre-application plans do not require a design professional stamp. Following the Pre-Application Conference, the Development Review Committee

comments and suggestions will be incorporated into a single document and provided to the applicant.

c. Public Meeting. The Director of Planning and Development or designee shall schedule a Public Meeting at which time the applicant shall present the PUD proposal to all interested parties, including, though not limited to, neighborhood residents, property owners associations, neighboring business owners, City officials, and community groups. Notice of the public meeting shall be published on the City of Conway's website at least 15 days prior to the meeting. A Public Hearing sign shall be conspicuously posted on the subject property at least 15 days prior to the public meeting. The applicant shall use relevant comments gathered at the public meeting to amend the PUD proposal in a manner that is both feasible for the applicant and most satisfactory to the interested parties.

2. Planned Unit Development Application Submittal

a. Procedure. Upon completion of all pre-application reviews, the applicant may proceed in preparing the Application for a Planned Unit Development for the Conway Planning Commission. The application shall be processed following the procedure for a change of zone district boundary as set forth in Article 901.4, excepting fees.

b. Fees. All Planned Unit Development filing fees are non-refundable and must be paid to the Conway Planning and Development Department at the time application is made. Filing fees will be credited towards Development Review fees.

i. Residential.
$525.00 PUD with 10 or fewer residential units
$725.00 PUD with 11-25 residential units
$1,125.00 PUD with 26 or more residential units

ii. Non-Residential.
$1,125 PUD with a non-residential component

c. Application Requirements. The Application for a Planned Unit Development must be accompanied by a preliminary PUD plan consisting of a site plan, explanatory text, and necessary exhibits. The PUD plan should expound upon the initial PUD proposal by incorporating the comments gathered throughout the pre-application process. The preliminary PUD plan should include applicable documents including: description of existing conditions, clarification of the purpose and intent of the PUD, list of allowable land uses, height and size of proposed building types, and site-specific development standards, development phasing and construction schedule, and covenants and restrictions. All items must be submitted at the time of PUD application to be deemed complete for review. Any omission of a required submittal item shall be identified and the reason for omission explained in the PUD Plan. If the PUD is to be constructed in multiple phases, the applicant shall clearly indicate the boundaries of each proposed phase on the site plan.

d. Public Notice of Planning Commission Hearing. Prior to the Planning Commission's review of the PUD application, sufficient notice of a public hearing for rezoning shall be furnished in accordance with the public hearing procedure outlined in Article 901.4(C)(3) of the Conway Zoning Ordinance.

e. Planning Commission Action. At its regular monthly meeting, the Planning Commission shall review the PUD application and accompanying PUD Plan and shall conduct a public hearing at which time the applicant, as well as members of the community, may address the Commission. The Planning Commission shall take one of four actions: send the rezoning request to the City Council with a positive recommendation; send the rezoning request to the City Council with a negative recommendation; send the rezoning request to the City Council with no recommendation; or hold the rezoning request in committee pending additional information or clarification from the applicant.

f. City Council Consideration. Upon receiving the PUD recommendation from the Planning Commission and reviewing the PUD application and PUD Plan, the City Council shall consider an ordinance establishing a PUD district. The City Council shall take one of three actions: approve the PUD request as recommended by the Planning Commission; approve the PUD request with amendment(s); or deny the PUD request.

3. Final PUD Plan. Following City Council approval, the applicant shall submit a Final PUD Plan to the Planning and Development Department for review. This Final PUD Plan shall incorporate any amendments or additions as approved by the City Council. This Final PUD Plan shall serve as the binding document that will guide the PUD's development and land use.

4. Platting, Development Review, Building Permits, Other District Regulations. Approval of a PUD district does not relieve the applicant of subdivision platting, development review, building permit, or overlay district requirements. Following City Council approval and prior to submission for Development Review and the issuance of building permits, a final plat must be submitted and approved. A plat is not required if the property has been legally platted. Except as specifically provided for in the individual PUD ordinance, all development shall be undertaken in conformance with adopted departmental rules and procedures. Where specific amendments to departmental rules and procedures have been included in the adopted PUD ordinance, all reviews shall be conducted and permits shall be issued in conformance with the provisions of the approved PUD plan.

   a. Platting. Upon approval of the PUD request by the City Council, and after the submittal of the Final PUD Plan, a plat shall be prepared in the manner prescribed in the Conway Subdivision Regulations. Minor plats may receive departmental approval. Major plats shall be reviewed by the Planning Commission. A plat is not required if the property has been legally platted. However, dedication of rights of way and easements as required by the Conway Subdivision Ordinance shall be required.

   b. Development Review. Upon approval of both the Final Development PUD Plan and the Final Plat, the applicant may submit the project to the Planning and Development Department for Development Review. (See Article 1101 of the Zoning Ordinance and the Design Standards Pattern Book published by the Conway Planning and Development Department for more information on Development Review.) The Development Review process must be completed before the applicant can apply for or obtain any building permits from the City of Conway.

   c. Building Permits. After completion of subdivision platting and development review, construction documents may be presented to the Permits Division for commercial building plans review. Single family and duplex structures are not subject to building plans review.

d. Other District Regulations. If the PUD project is within an overlay district, historic district, or other special district area, applicable regulations must be applied and/or approvals must be obtained from relevant commissions or boards.

D. Procedures For Amending a PUD Plan. If during the course of the implementation of a Planned Unit Development, the applicant and/or developer find it necessary or desirable to modify the approved PUD Plan, the applicant and/or developer may request a PUD amendment. Such request shall be made in writing to the Director of Planning and Development, who will determine whether the requested modification meets the criteria of a minor modification or major modification. All modifications must be consistent with the intent of this ordinance.

1. Minor Modifications. Minor modifications are granted administratively by the Director of Planning and Development and do not require legislative action. For a requested modification to be classified as minor, the modification must: alter one or more provisions of the Final PUD Plan, not expand the types of land uses specifically allowed in the approved Final PUD Plan, not change the character or function of driveways or streets approved in the Final PUD Plan, not cause any foreseeable significant increase in traffic volume or result in any foreseeable negative impacts on traffic flow, not significantly reduce the amount and/or distribution of common space or green/pervious space, and not create any significant change to the nature or character of the approved PUD.

2. Major Modifications. Major modifications are tentatively granted by the Director of Planning and Development and require City Council notification. A modification that would result in any of the following will be deemed major: expansion of the types of land uses specifically allowed in the approved Final PUD Plan, change in the character or function of driveways or streets approved in the Final PUD Plan, foreseeable significant increase in traffic volume or foreseeable negative impacts on traffic flow, reduction in the amount and/or distribution of common space or green/pervious space, or any significant change to the nature or character of the approved development. Additionally, the Director of Planning and Development may elect to follow the method for major modification approval for any modification of any lesser magnitude, particularly if such modification is deemed to be in the public interest.

   a. Major Modification Approved by Director of Planning and Development. The Director of Planning and Development may approve the major modification and grant the request.

      i. City Council Notification. If the Director of Planning and Development grants the requested major modification, he/she must notify all City Council members on the same day that the modification is granted. The notification must be delivered by letter, email, telephone contact, placement of a notice in each Councilperson's mailbox at City Hall, or another manner approved by the Mayor.

      ii. City Council Objections. If any individual City Council member objects to the major modification, the Council member must notify the Director of Planning and Development of such objection within no less than five (5) working days from the date of the Director's decision to grant the request. Upon receiving an objection from a Council member, the Director shall refer the major modification request to the Planning Commission for review.

(a) Public Notice of Planning Commission Hearing. Prior to the Planning Commission's review of the PUD modification request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with state law and per the public hearing procedure outlined in Article 901.4(C)(3) of the Conway Zoning Ordinance. (O-09-102)

(b) Planning Commission Approval. After reviewing the major modification request, the Planning Commission may grant the request.

(c) Planning Commission Denial. After reviewing the major modification request, the Planning Commission may deny the request. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Planning and Development Department no less than thirty (30) working days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision is final.

a. Major Modification Denied by Director of Planning and Development. The Director of Planning and Development may deny the major modification request. The Director's decision may be appealed to the Planning Commission by notifying the Planning Commission of such appeal no less than thirty (30) working days from the date of the Director's decision to deny the major modification request.

i. Public Notice of Planning Commission Hearing. Prior to the Planning Commission's review of the PUD modification request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with state law and per the public hearing procedure outlined in Article 901.4(C)(3) of the Conway Zoning Ordinance. (O-09-102)

ii. Planning Commission Approval. After reviewing the major modification request, the Planning Commission may grant the request.

iii. Planning Commission Denial. After reviewing the major modification request, the Planning Commission may deny the request. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Planning and Development Department no less than thirty (30) working days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision is final.

2. Additional Rules Regarding Modifications

a. Public Hearing. The request for a major modification shall not subject the entire Final PUD Plan to a public hearing. Only the portion(s) of the Final PUD Plan necessary to evaluate the major modification request under consideration is (are) subject to any required public hearing(s).

b. Precedent. Minor and major modifications shall be considered unique and shall not set precedent for other developments.

E. Project Completion. At its discretion, the Planning Commission may periodically review the Planned Unit Development project's implementation status. If the Planning Commission determines that the PUD is not being implemented in accordance with the Final PUD Plan, the Planning Commission may recommend that the City Council review the progress of the project. The City Council may allow implementation of the project to continue uninterrupted, may require the applicant and/or developer to submit a revised PUD plan, or may take any other reasonable action to ensure that the subject property is not developed in an inappropriate manner.

SECTION 401.~~10~~11 – OVERLAY DISTRICT

A. GENERAL DESCRIPTION

It is the purpose and intent of the Overlay District to provide enhanced standards to protect and enhance the unique characteristics of specific areas and/or corridors while providing for development opportunities. These characteristics may include natural scenic beauty, manmade features or other features. Overlay Districts may also be used to protect or facilitate a particular design theme established through specific architectural styles or periods, or to protect or facilitate site plan conventions such as setbacks that are both minimums and maximums. The purposes of any Overlay District may include:

1. *Promoting the safe and efficient use of specific roadways by controlling access and other traffic measures.*
2. *Encouraging the redevelopment of an area consistent with a particular design theme.*
3. *Minimizing the detrimental impact of development on hillsides, watercourses and other significant natural features.*
4. *Giving special attention to landscaping, buffering, signage, lighting and building setbacks in those districts identified as needing special attention.*
5. *Giving special attention to the existing architectural style or to the style which is planned, so as to create an easily identifiable area in those areas identified as architecturally significant.*

B. ESTABLISHMENT OF OVERLAY DISTRICTS

The City Council of the City of Conway may adopt Overlay Districts as the needs are identified in order to implement specific purposes, intents, and design standards based upon the adopted Land Use Plan for the area being regulated, which shall be applied as additional standards to other ordinance regulations required by the City. Such Overlay Districts shall be made a part of the Zoning Ordinance through the amendment process as stipulated in this Ordinance. Upon adoption, the boundaries of such Overlay Districts shall be shown on the Zoning Map of the City of Conway.

C. DEVELOPMENT CRITERIA

The development criteria for each Overlay District shall be those standards as set out in each Overlay District. (Ordinance O-99-72)

SECTION 401.~~11~~*12* – SPECIFIC PLAN (SP) DISTRICT (O-09-100)

A. GENERAL DESCRIPTION

The Specific Plan (SP) district provides a means by which individualized zoning standards can be created for defined areas in which conventional zoning cannot achieve desired results.

The SP district may be applied as either a base zone or an overlay zone depending on the defined area's needs and the scope of any proposed project(s) within the defined area. The SP district must be accompanied by a Specific Plan, which is a small-area plan document designed with community input. Each Specific Plan has its own non-transferable set of regulations which may combine some or all of the following elements for a defined area into one document: zoning standards, list of acceptable land uses, design guidelines, infrastructure plan, phasing plan, and other elements as appropriate.

The Planning and Development Department shall schedule a Specific Plan study for an area upon the request of the Conway Planning Commission, Conway City Council, or the Mayor's Office, or upon its own initiative. Businesses, institutions, and/or residents may request that an area be considered for a Specific Plan study by contacting any of the above entities. Generally, developer-initiated projects are not appropriate for Specific Plan studies; rather, private developers should follow the guidelines for Planned Unit Developments for large-scale projects that are not possible through conventional zoning. (See *Section 401.9 – Planned Unit Development*.)

B. SPECIFIC PLAN DISTRICT REQUIREMENTS

1. Land Use Controls

Pre-existing, legal, non-conforming uses shall be allowed to continue in a SP district.

2. Plan Elements

A Specific Plan shall include the following elements:

a. Identification of the SP district's scope (i.e. overlay or base zone);

b. A map showing the proposed district boundaries and the relationship of the district to uses and structures within close proximity of the district boundaries;

c. A map or aerial photo of the proposed district and the area immediately surrounding it, showing sufficient topographic data to indicate clearly the character of the terrain; waterways; and the location of existing development;

d. A map depicting the proposed development pattern either by land use or by transect zone;

e. A written document describing in detail the zoning standards for each block, parcel, or other unit. The following standards must be included:

i. Minimum lot area (in square feet)
ii. Minimum lot width at building line (in feet)
iii. Maximum lot coverage (percent)
iv. Setbacks from all sides (in feet)
v. Height restrictions

f. A list of land uses allowed by right or by condition;

g. A map depicting the location and configuration of all infrastructure and public facilities proposed within the SP district. Such facilities include but are not limited to roads, sewers, lift stations, drainage facilities, fire stations, police substations, parks, libraries, communications equipment, and similar facilities;

h. A written and illustrated document, describing in detail any design guidelines for the development, including but not limited to architectural style, materials, colors, themes, streetscapes, public realm elements, and similar issues; and

i. Other elements as appropriate such as grading plans, wildlife mitigation plans, open space management plans, hazardous materials remediation plans, etc.

C. PROCEDURES FOR OBTAINING SP REZONING APPROVAL

1. Advisory Committee

The Planning and Development Department Director or designee shall identify agencies, organizations, individuals, and City departments with interests in the study area and form an Advisory Committee consisting of representatives from those groups. The Planning Commission and/or City Council may recommend or require that specific agencies, organizations, and/or individuals be included in the Advisory Committee. The purpose of the Advisory Committee is to investigate existing conditions and previous plans in order to determine feasible future development scenarios. The Advisory Committee shall meet a minimum of one time; additional meetings should be scheduled as needed.

2. Public Meetings

The Planning and Development Department Director or designee shall convene at least two public meetings prior to submitting a SP rezoning request to the Planning Commission. The initial public meeting should include a presentation in which the Planning and Development Department staff provides possible development or redevelopment scenarios. The final public meeting should include a presentation at which the final development or redevelopment proposal is provided. Additional public meetings, workshops, focus group meetings, open house events, and presentations may be scheduled as needed by the Planning and Development Department Director or designee. All meetings shall be advertised at least 14 days in advance via the City's official website, the Planning and Development Department's official website, prominent signage, letter or email announcements, cable television announcements, or any other means deemed practical and appropriate by the Planning and Development Department Director or designee.

3. Public Notice of Planning Commission Hearing

Prior to the Planning Commission's review of the SP rezoning request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with state law.

4. Planning Commission Action

The Planning Commission shall review the SP rezoning request and accompanying Specific Plan document and conduct a public hearing at which time the Planning and Development Director or designee, as well as members of the community, may address the Commission. The SP rezoning request must clarify whether the rezoning will change the base zone or add an overlay to the existing base zone. The Planning Commission shall take one of four actions: send the rezoning request to the City Council with a positive recommendation; send the rezoning request to the City Council with a negative recommendation; send the rezoning request to the City Council with no recommendation; or hold the rezoning request in committee pending additional information or clarification. The Planning Commission may require additional public meetings or plan revisions prior to issuing a recommendation.

5. City Council Consideration

Upon receiving the SP recommendation from the Planning Commission and reviewing the SP rezoning request and Specific Plan document, the City Council shall consider an ordinance establishing a SP district. The City Council shall take one of three actions: approve the SP request as recommended by the Planning Commission; approve the SP request with amendment(s); or deny the SP request.

D. PROCEDURES FOR AMENDING A SPECIFIC PLAN

Changes to a SP district should occur within the framework of the Specific Plan. If, at any time, any individual, organization, business, and/or City department find it necessary or desirable to amend the approved Specific Plan, a plan modification may be requested. Such request shall be made in writing to the Director of Planning and Development, who will determine whether the requested modification meets the criteria of a minor modification or major modification. All modifications must be consistent with the intent of this ordinance. (See Section A, *General Description*.)

1. Minor Modifications

Minor modifications are granted administratively by the Director of Planning and Development and do not require legislative action. For a requested modification to be classified as minor, the modification must alter one or more provisions of the Specific Plan and must not: expand the types of land uses specifically allowed in the approved Specific Plan; change the character, function, or number of streets approved in the Specific Plan; create any foreseeable significant increase in traffic volume or result in any foreseeable negative impacts on traffic flow; or create any significant change to the nature or character of the approved Specific Plan.

2. Major Modifications

Major modifications are tentatively granted by the Director of Planning and Development and require City Council notification. A modification that would result in any of the following will be deemed major: expansion of the types of land uses specifically allowed in the approved Specific Plan; change in the character, function, or number of streets

approved in the Specific Plan; foreseeable significant increase in traffic volume or foreseeable negative impacts on traffic flow; or any significant change to the nature or character of the approved Specific Plan. Additionally, the Director of Planning and Development may elect to follow the method for major modification approval for any modification of any lesser magnitude, particularly if such modification is deemed to be in the public interest.

a. Major Modification Approved by Director of Planning and Development. The Director of Planning and Development may approve the major modification and grant the request.

   i. City Council Notification: If the Director of Planning and Development grants the requested major modification, he/she must notify all City Council members on the same day that the modification is granted. The notification must be delivered by letter, email, telephone contact, placement of a notice in each Councilperson's mailbox at City Hall, or another manner approved by the Mayor.

   ii. City Council Objections: If any individual City Council member objects to the major modification, the Council member must notify the Director of Planning and Development of such objection within no less than five (5) working days from the date of the Director's decision to grant the request. Upon receiving an objection from a Council member, the Director shall refer the major modification request to the Planning Commission for review.

      (a) Public Notice of Planning Commission Hearing. Prior to the Planning Commission's review of the SP district modification request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with state law and per the public hearing procedure outlined in Article 901.4(C)(3) of the Conway Zoning Ordinance.

      (b) Planning Commission Approval. After reviewing the major modification request, the Planning Commission may grant the request.

      (c) Planning Commission Denial. After reviewing the major modification request, the Planning Commission may deny the request. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Planning and Development Department no less than thirty (30) working days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision is final.

b. Major Modification Denied by Director of Planning and Development. The Director of Planning and Development may deny the major modification request. The Director's decision may be appealed to the Planning Commission by notifying the Planning Commission of such appeal no less than thirty (30) working days from the date of the Director's decision to deny the major modification request.

i. Public Notice of Planning Commission Hearing. Prior to the Planning Commission's review of the PUD modification request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with state law and per the public hearing procedure outlined in Article 901.4(C)(3) of the Conway Zoning Ordinance.

ii. Planning Commission Approval. After reviewing the major modification request, the Planning Commission may grant the request.

iii. Planning Commission Denial. After reviewing the major modification request, the Planning Commission may deny the request. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Planning and Development Department no less than thirty (30) working days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision is final.

3. Additional Rules Regarding Modifications

a. Public Hearing. The request for a major modification shall not subject the entire Specific Plan to a public hearing. Only the portion(s) of the Specific Plan necessary to evaluate the major modification request under consideration is (are) subject to any required public hearing(s).

b. Precedent. Minor and major modifications shall be considered unique and shall not set precedent for other SP districts or developments.

c. Changes to the Specific Plan Document. The text and any affected maps, diagrams, and/or images contained within the Specific Plan document shall be amended to reflect any modification(s) to the Specific Plan.

E. SPECIFIC PLAN AVAILABILITY

All Specific Plans approved and adopted by the City Council shall be maintained on file in the Planning and Development Department office as printed documents and shall be available for public inspection during regular business hours. Individuals, businesses, and/or organizations desiring printed copies of a specific plan may do so for a reasonable administrative fee per printed page.

F. ZONING MAP DESIGNATION

A SP District shall be noted on the official Zoning Map by the designation "SP," followed by the name of the Specific Plan and the ordinance number assigned to it by the City Clerk upon adoption by the City Council. On the Zoning Map, the SP district shall either take the place of the base zone(s) or be appended to the base zone(s) as an overlay, depending upon the scope of the SP district.

G. REVIEW OF PLANS

Subdivision, Development Review, and building permit applications for projects in a SP district shall be accepted only if the project plans are consistent with the standards of the adopted Specific Plan. *(O-09-102)*

(NOTE: All requirements established under Article 501 or City of Conway Ordinance No. O-91-54 not superseded by Article 1101 Development Review shall remain in effect and be applied during Development Review.)

ARTICLE 501

OFF-STREET PARKING, LOADING AND LANDSCAPING

SECTION 501.1 – GENERAL INTENT AND APPLICATION

It is the intent of these requirements that adequate off-street parking, and loading be provided in all zoning districts. Such parking and loading shall be provided off the street easement for each use of land within the City and as demand is created for each use. With construction or expansion in capacity of a building or structure or if another use is established on the lot, off-street parking must be provided in accordance with Article 501 of the Zoning Ordinance.

For every building or structure hereafter constructed in any district for nonresidential purposes, or where material or merchandise is received or distributed by vehicles, an off-street loading space shall be provided and maintained on the same lot.

Parking spaces may not be substituted for a loading space or a loading space substituted for a parking space.

Parking spaces used in connection with an existing or continuing use or building on the effective date of this Ordinance, up to the number required by this Ordinance shall be continued and may not be counted as serving a new structure or addition.

SECTION 501.2 – REQUIRED OFF-STREET PARKING

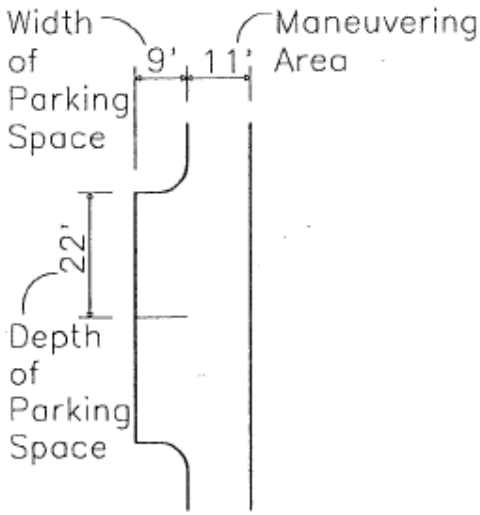
Off-street parking or loading space shall be part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

All parking shall be in accordance with Ordinance No. O-91-54 “AN ORDINANCE ESTABLISHING MINIMUM REQUIREMENTS AND STANDARDS FOR PARKING LOTS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES”.

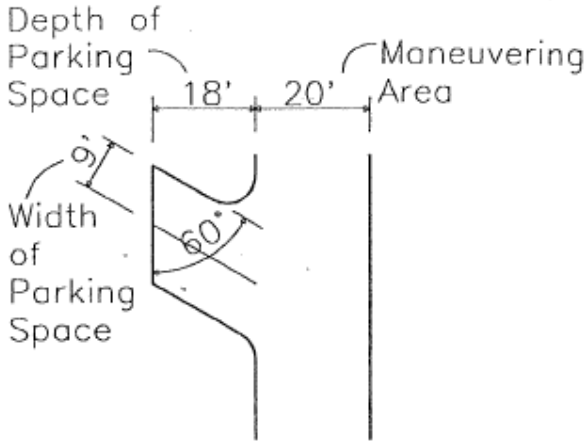
SECTION 501.3 – SIZE OF OFF-STREET PARKING SPACE

The size of an off-street parking space for one vehicle shall be rectangular with dimensions of not less than nine (9) feet by twenty (20) feet. Such measurement is exclusive of access drives or aisles. If the off-street parking space does not abut on a street, alley or easement of access, there shall be provided an access drive of at least ten (10) feet in width in the case of a dwelling and at least fifteen (15) feet in width in all other cases leading from the street to the parking.

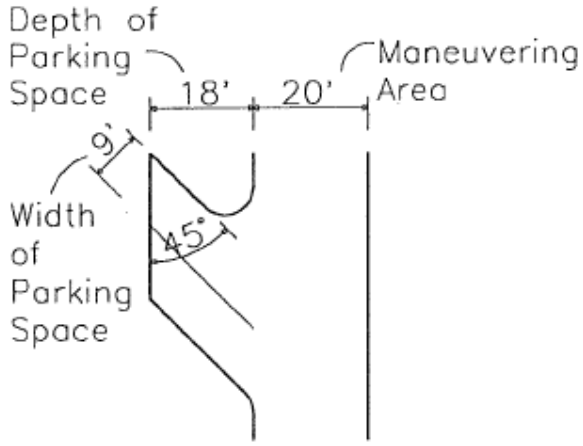
REQUIRED WIDTH, DEPTHS AND MANEUVERING AREAS FOR PARKING SPACES



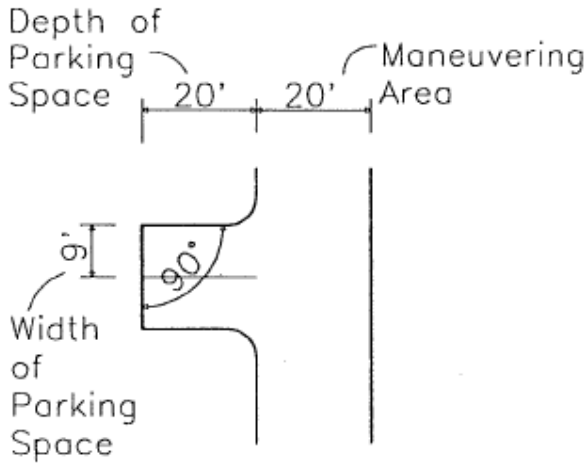
PARALLEL



SIXTY DEGREE ANGLE



FORTY–FIVE DEGREE ANGLE



NINETY DEGREE OR RIGHT ANGLE

Where different parking angles are utilized for off-street parking, the following widths, depths and maneuvering areas shall be followed:

	Width	Depth	Maneuvering Area
Parallel	22 feet	9 feet	11 feet
Sixty Degree Angle	9 feet	18 feet	20 feet
Forty-Five Degree Angle	9 feet	18 feet	20 feet
Ninety Degree Angle or Right Angle	9 feet	20 feet	20 feet

SECTION 501.4 – LOCATION OF OFF-STREET PARKING

A. Off-street parking shall be located within two hundred (200) feet of the structure to be served except in the C-1 District, and shall have direct access to a street or alley. Distance to any parking area for the purposes of this Ordinance shall be measured between the nearest point of the off-street parking space and the nearest point of the building or facility to be served by the parking. No more than 25% of parking requirements can be met off-site.

B. If detached parking facilities or satellite parking lots are to be provided, such lots must be located on property zoned to allow the same principal use as the facility being served.

SECTION 501.5 – OWNERSHIP

The ownership of land upon which off-street parking is provided shall be the same as the ownership of land on which the principal use is located except in C-1 District or in districts for multi-family housing, rooming houses, dormitories, fraternities, and sororities where the sponsoring church or institution of higher learning has consented by written agreement to the use of its excess off-street parking for said purpose. A conditional use permit is required for the parking on lot(s) not of the same ownership to count toward fulfillment of the parking requirements. *However, a pre-existing, non-conforming use may utilize land for expansion parking that is under an ownership other than that of the primary use if the required procedures are followed and the expansion is approved by the City Council as stipulated in this Zoning Ordinance. Such expansion parking shall not be used for any subsequent use of the property that is not in compliance with the requirements of the Zoning Ordinance. (Ordinance No. O-03-27)*

SECTION 501.6 – FLOOR AREA AND LOT AREA DEFINED

For the purposes of applying requirements for off-street parking, floor area shall be defined as gross floor area with the outside dimensions of a building, including each floor level, halls, lobbies, and stairways. The definition shall not include floor space within the building reserved for parking or loading of vehicles, and basement space or separate space used only for building maintenance and utilities.

SECTION 501.7 – NUMBER OF OFF-STREET PARKING SPACES REQUIRED

Off-street parking shall be provided in all districts in accordance with the following schedule:

A. RESIDENTIAL USES

(1) Single-Family Dwelling – two (2) spaces per dwelling unit.

(2) (a) Two Family Dwelling – R-2A – three (3) spaces per dwelling unit.
(b) Two Family Dwelling – R-2 – Two (2) spaces per dwelling unit.

(3) Multi-Family Dwelling – three (3) spaces for each two dwelling units.

(4) Rooming Houses, Dormitories, Fraternities, and Sororities, Boarding Houses (and similar uses and establishments) – one (1) space per sleeping accommodation.

(5) Hotels and Motels – one (1) space is required per guest room. For developments larger than twenty (20) rooms, eleven parking spaces must be provided for each ten rooms or fraction thereof for employees and non-guest users patronizing meeting rooms, and other facilities, but not including restaurants.

(6) Mobile Home Subdivision – two (2) spaces per mobile home.

(7) Bed and Breakfast – one (1) space per sleeping/rental unit plus one (1) space for the owner.

B. OFFICE AND INSTITUTIONAL USES

(1) Hospitals, Sanitariums, Convalescent Homes (and similar uses or establishments) – one (1) space for each three (3) beds, exclusive of bassinets, plus one (1) space for each three (3) employees including nurses and one (1) space for each staff or visiting doctor. Adequate area for parking of emergency vehicles must also be provided.

(2) Medical Clinics – six (6) spaces per doctor or dentist.

(3) Auditoriums, Arenas, Theatres (and similar places of public assembly) – one (1) space for each four (4) seats.

(4) Church Sanctuary – one (1) parking space for each four (4) seats based on maximum seating capacity in the principal assembly room; provided, however, that churches may establish joint parking facilities for not to exceed fifty percent (50%) of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.

(5) Lodge halls, Exhibition halls, Clubs (and similar places of public assembly) – one (1) space per one hundred (100) square feet of gross floor area.

(6) Schools and Institutions

(a) Nursery, Kindergarten and Day-Care Centers – one (1) space per employee plus on-site loading and unloading spaces to be required at a rate of one (1) for each ten (10) children accommodated.

(b) Elementary (grades 1-6) – one (1) space per classroom. Stacking space for drop-off and pick-up shall be required on the site.

(c) Secondary:

(1) Junior High School (grades 7-9) – four (4) spaces per classroom, stacking spaces for buses and automobiles shall be required on-site.

(2) Senior High School (grades 10-12) – one-site parking spaces shall be provided based on total school enrollment of one (1) space for every five full-time students plus 1.5 spaces per classroom.

(d) College, University, Business College or Trade School – one (1) space for each three hundred (300) square feet of gross floor area, or one (1) space per four (4) students, whichever is greater.

(7) Business and Professional Office (and similar use or establishment) – one (1) space per three hundred (300) square feet of gross floor area. For structures larger than ten thousand (10,000) square feet, the above parking requirement shall be provided and the following percentage shall be taken of the remaining gross floor area:

10,001 to 20,000 square feet – 95% of Parking Requirement
20,001 to 30,000 square feet – 90% of Parking Requirement
30,001 to 40,000 square feet – 85% of Parking Requirement
40,000 square feet and up - 80% of Parking Requirement

C. <u>COMMERCIAL USES</u>

(1) General Business and Retail Sales (except as otherwise provided herein) – one (1) space per two hundred fifty (250) square feet of gross floor area up to ten thousand (10,000) square feet, the above parking requirement shall be provided and the following percentage shall be taken of the remaining gross floor area:

10,001 to 20,000 square feet – 95% of Parking Requirement
20,001 to 30,000 square feet – 90% of Parking Requirement
30,001 to 40,000 square feet – 85% of Parking Requirement
40,000 square feet and up – 80% of Parking Requirement

(2) Bowling Alleys – three (3) spaces for each lane.

(3) Restaurants (and similar establishments serving food and beverages) – one (1) space for each one hundred (100) square feet of gross floor area.

(4) Drive-*Through*~~*In*~~ Commercial Facilities – in addition to the other provisions of this Section, drive-*through*~~*in*~~ commercial facilities (banks, restaurants and similar users) shall provide not less than three (3) holding or stacking spaces for each service window. Each stacking space shall be no less than ten (10) feet wide by twenty-five (25) feet long. *(Ordinance O-95-78)*

(5) Food Store, Supermarkets and Convenience Type Grocery Stores – four (4) spaces plus one (1) space for each two hundred fifty (250) square feet of gross building area.

(6) Personal Service Establishments (Barber, Beauty Shops and similar uses) – one (1) space per two hundred (200) square feet of gross building area.

(7) Automotive Services (service stations, garages, automobile washing facilities and similar uses) – five (5) spaces plus one (1) space for each two hundred (200) square feet of gross building area.

(8) See Section 601.6 for automobile wash service, including self-service establishments.

D. INDUSTRIAL USES

(1) Manufacturing, Processing and Wholesaling (and similar uses or establishments) – one (1) space per six hundred (600) square feet of gross floor area.

(2) Warehouse and Storage _ five (5) spaces plus one (1) space per two thousand (2,000) square feet of gross floor area up to fifty thousand (50,000) square feet, then, in addition to the above requirement, one (1) space per ten thousand (10,000) square feet above fifty thousand (50,000) square feet or portion thereof.

For all uses not covered in the above-mentioned requirements, the City Council shall make a determination of the parking demand to be created by the proposed use, and the amount of parking then determined shall be the off-street parking requirement for the permitted use. The City Council may grant variances on parking requirements in this section.

SECTION 501.8 – SURFACING OF PARKING LOTS

Any off-street parking area for five (5) or more vehicles shall be paved with a sealed surface pavement and maintained to prevent dust resulting from continued use. The parking area should be arranged as efficiently as possible, be so graded and drained as to dispose of all surface water accumulated in the area, and shall be so arranged and marked as to provide for orderly and safe parking and storage of vehicles.

SECTION 501.9 – OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS

Whenever off-street parking lots for more than five (5) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

A. Screening and Landscaping - Off-street parking areas for more than five (5) vehicles shall be effectively screened on each interior side or rear yard area which adjoins any Residential District, or institutional premises, by a masonry wall or solid board fence of acceptable design. Such wall or fence shall not be less than five (5) or more than seven (7) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the side lot line adjoining said premises, or the front lot line facing said premises, in any Residential District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. All sides of the lot abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) nor more than six (6) feet. Such fence, wall or hedge shall be maintained in good condition.

B. No parking shall be permitted within a front yard setback line established twenty (20) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. On any corner lot formed by two (2) intersecting streets, no parking shall be permitted and no wall, fence, sign, structure or plant growth having a height in excess of three (3) feet above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of thirty (30) feet along the front and side lot lines from their point of

intersection and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

C. All yards shall be landscaped with grass, shrubs or evergreen ground cover and maintained in good condition the year round.

D. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

E. Driveways used for ingress and egress shall be confined within, and shall not exceed, twenty-five (25) feet in width, exclusive of curb returns.

F. The intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses.

G. No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only nonintermittent incandescent, fluorescent or gas lighting of signs shall be permitted.

501.10 – JOINT PARKING FACILITIES

Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. Total number of spaces provided shall not be less than the sum of the individual requirements.

SECTION 501.11 – OFF-STREET LOADING

In addition to all off-street parking requirements, off-street loading requirements shall be in effect on the same premises with every building, structure, or part thereof hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, laundry, dry cleaning, or other uses involving the receipt or distribution by vehicles of materials or merchandise. There shall be provided and maintained adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street or alley.

A. Size of Off-Street Loading Spaces

Each loading space shall not be less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height. Where the off-street loading space does not abut on a street, alley or easement of access, there shall be provided an access drive of at least ten (10) feet in width leading from the street to the loading area.

B. Location

Such loading space may occupy all or any part of any required yard or court space but such space may not be located closer than twenty-five (25) feet to any residential district unless wholly within a completely enclosed building or unless enclosed on all sides abutting the residential district by a wall or said fence at least eight (8) feet in height.

C. Number of Off-Street Loading Spaces Required – Minimum floor Area

Floor Area	Loading Area
5,000 to 25,000 square feet	1
25,000 to 40,000 square feet	2
40,000 to 100,000 square feet	3
100,000 to 160,000 square feet	4
160,000 to 240,000 square feet	5
240,000 to 320,000 square feet	6
For each additional 90,000 square feet	1 added space

501.12 – APPEALS

Appeals to parking requirements may be made as stipulated in Article 801.

ARTICLE 601

SPECIAL PROVISIONS

CONDITIONS APPLYING TO USES

SECTION 601.1 – GENERAL

Uses permitted or subject to A Conditional Use Permit in any district under this Ordinance shall be subject to the requirements of the district provisions as supplemented or modified by this Article.

Section 601.2 - Accessory Buildings, Construction Buildings, Interim Buildings, Temporary Buildings, and Prefabricated Buildings

A. ACCESSORY BUILDING REQUIREMENTS. Accessory buildings shall be governed by the following provisions:

1. Detached. Accessory buildings must be detached from the main structure or such accessory building shall be considered as an addition to the main or principle building.

2. Setbacks.

a. Accessory buildings shall be no closer than 5 feet to any interior lot line.

b. Accessory buildings shall be located behind the rear of the main structure or no closer than 60 feet from the front property line.

c. Accessory buildings located on a corner lot shall be no closer than 60 feet to one of the two front lot lines. The setback from the other front lot line shall not be closer than the established front setback of the main structure.

d. Accessory buildings shall be no closer than 10 feet to the principle building unless attached to and considered part of the principle structure. Attachment to the principle building shall be by means of the structural attachment of abutting walls or by a roofed structure with a minimum 4 foot width.

e. Accessory buildings shall be no closer than 10 feet from other accessory buildings on the lot unless the accessory buildings are attached by means of the structural attachment of abutting walls or by a roofed structure with a minimum 4 foot width.

f. Accessory buildings shall not be located in any easement unless written approval is provided by the authority holding rights to the easement.

3. Height. Accessory buildings shall not exceed the maximum height as allowed for the related main building in that zone.

4. Area Limitations.

a. Total area of commercial accessory building(s) shall not be larger than 160 square feet.

b. Total area of residential accessory building(s) shall not be larger than 50% of the covered roof area of the main building.

c. Residential accessory structures located on lots of one acre or greater may have a total accessory building area of 75% of the covered roof area of the main structure.

d. There is no limit on accessory building total area on lots of five acres or more located in A-1 zoning districts.

5. Building Permit Requirement. A building permit is required for all accessory buildings, except residential accessory buildings 50 square feet or less in area.

6. Building Code Requirements.

a. Footing and Foundation Requirements. Accessory buildings larger than 160 square feet, are required to anchored to footings and foundations in accordance with the adopted building codes.

b. Structural Framing Requirements.

i. Wood frame accessory buildings shall be constructed to meet the prescriptive framing and sheathing requirements of the adopted building codes.

ii. Metal frame accessory buildings require the submittal of engineered drawings and engineered documentation to confirm the design of the accessory building meets the minimum design loads required by the adopted building codes.

iii. Prefabricated accessory buildings shall have:

1. the framing members exposed for inspection to verify compliance with the adopted building codes, or,

2. Engineering drawings and documentation shall be provided to confirm the design and construction of the structural framing in a prefabricated accessory building meets the minimum design loads required by the adopted building codes.

c. Electrical, Mechanical and Plumbing Requirements

i. Electrical, mechanical and plumbing permits and inspections are required for such work when installed in accessory buildings.

ii. Electrical, mechanical and plumbing work done in prefabricated structures that cannot be visually inspected by the city inspector requires engineering drawings and documentation to confirm the design and installation of the electrical, mechanical and plumbing systems meets the requirements of the adopted electrical, mechanical and plumbing codes.

B. Construction, Interim and Temporary Building Requirements. Construction, Interim and Temporary buildings shall be governed by the following provisions:

1. Prohibited Uses

a. In no case shall a Construction, Interim, or Temporary building be used as the primary place of business or for habitation.

2. Building Permits

a. Construction Building. Construction buildings are not required to obtain building permits.

b. Interim Building. Interim buildings are required to obtain interim building permits prior to moving the building onto a parcel. The procedures and fees for obtaining interim building permits will be the same as those for obtaining a building permit except as noted in this ordinance. The interim building permit will only be issued after the issuance of the building permit for the building that is to replace the interim building. The interim building may be permitted for up to 24 months. The interim building permit will state the date the interim building is to depart the parcel or lot. The interim building is to leave the site no later than the end of the day noted on the permit. A variance may be issued to allow an interim building to remain up to an additional 12 months provided there are unusual circumstances that justify the extension of the interim building permit. This variance will be issued by the Director of Planning and Development per variance procedure guidelines as specified in Article 1101. Development Review. Section 1101.9. Exceptions.

c. **Temporary Building**. Temporary buildings are required to obtain a building permit prior to moving the building onto a parcel. The procedures and fees for obtaining temporary building permits will be the same as those for obtaining a building permit except as noted in this ordinance. The temporary building may be permitted for up to 24 months. The temporary building permit will state the date the temporary building is to depart the parcel or lot. The temporary building is to leave the site no later than the end of the day noted on the permit. A variance may be issued to allow a temporary building to remain up to an additional 12 months provided there are unusual circumstances that justify the extension of the temporary building permit. This variance will be issued by the Director of Planning and Development per variance procedure guidelines as specified in Article 1101. Development Review. Section 1101.9. Exceptions.

d. **Special Event Temporary Buildings**. The Mayor may grant approval for special event temporary building for events which are fourteen 14 or fewer days in length and which are community-wide events which bring benefits to the community as a whole. At the Mayor's discretion, no fees will be paid for those permits and the permits may be issued for temporary buildings which may be situated in the public right-of-way and/or which may not meet the Zoning Ordinance requirements for building setbacks. At the Mayor's discretion, a tent or awning, or in special circumstances, a building which exceeds the dimensional requirements of this ordinance may be granted a special event temporary building permit. Approval of the Fire Marshall is required for tents larger than 200 square feet in area.

3. Building/Construction Code Requirements. (building, electrical, mechanical and plumbing)

a. Construction Buildings - Construction buildings may be transported onto a parcel or lot without the requirement for verification of building/construction code compliance, but may be subject to code inspection upon placement of the building.

b. Interim and Temporary Buildings- Engineering drawings and documentation shall be provided to confirm the design and construction of interim buildings meet the minimum requirements of all building/construction codes. Certification shall be provided by an approved third party attesting to compliance of the building with the adopted building/construction codes.

c. Special Event Temporary Buildings – Special Event Temporary Buildings may be transported onto a parcel or lot without the requirement for verification of building/construction code compliance, but may be subject to code inspection upon placement of the building.

d. Anchorage Requirements for Wind Loads

i. Construction buildings do not require anchorage to a permanent foundation but must have tie downs sufficient to resist design wind loads as established by the building code.

ii. Interim buildings must be installed with anchorage adequate to resist the design wind loads as established by the building code.

iii. Temporary buildings in place for seven (7) days or less are not required to have foundations or tie downs to resist wind loads.

iv. Temporary buildings in place for longer than seven (7) days must be installed with anchorage adequate to resist the design wind loads as established by the building code.

e. Electrical Code Requirements. All power supplies to interim, construction, temporary and prefabricated buildings shall be protected from vehicular traffic. All construction, interim, temporary and prefabricated buildings must meet all requirements of the electrical code adopted by the City of Conway except as stated herein:

i. Construction buildings may be served from a temporary power pole.

ii. Interim buildings must be served by permanent power.

iii. Temporary buildings in place for six (6) months or less may be served from a temporary power pole.

iv. Temporary buildings in place for longer than six (6) months must be served by permanent power.

4. Parking. In no instance, except for special event temporary building permits, may the movement of an interim, construction, or temporary building onto a parking lot reduce the number of available parking spaces below the minimum required for that building and for other buildings upon that same lot that are complete and ready for occupancy.

5. Building Moving Permit. Building moving permits are not required for prefabricated buildings including construction, interim, and temporary buildings.

6. Health Department Requirements. All construction, interim and temporary buildings are required to meet all requirements of the State Health Department.

SECTION 601.3 – ANIMALS: KEEPING OR HANDLING OF (OTHER THAN SMALL ANIMALS KEPT AS HOUSEHOLD PETS)

Animals and fowls, where permitted in a district, shall be kept only in accordance with Conway City Ordinances and Codes. Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise or drainage from becoming a nuisance to uses on other properties. No incineration of animal refuse shall be permitted on the premises. *Kennels, Animal Rescue Shelters, and Wildlife Rehabilitators, if located in any residential zoning district, shall be located in an undivided property of not less than two (2) acres. In no circumstance shall a commercial kennel be operated within any residential zoning district. (Ordinance O-05-139)*

SECTION 601.4 – ART GALLERY, LIBRARY, MUSEUM OR SIMILAR FACILITY

An art gallery, library, museum or similar facility shall be located not less than fifteen (15) feet from any other property in an R district, and when located in an R district, shall have its primary vehicular entrance and exit on a major street or on another thoroughfare within one hundred fifty (150) feet of its intersection with a major street.

SECTION 601.5 – AUTOMOBILE, GO-KART, MINIATURE AUTO, RACING OR DRIVING TRACKS

Automobile, go-kart, miniature auto, racing or driving tracks shall be located not less than five hundred (500) feet from any residential district unless enclosed by a solid fence or wall at least six (6) feet high, but in no case shall a track be located less than two hundred (200) feet from a residential district.

SECTION 601.6 – AUTOMOBILE WASH SERVICE, INCLUDING SELF-SERVICE ESTABLISHMENTS

Automobile wash service establishments shall provide paved parking space on the lot for not less than five (5) automobiles plus stacking space for no less than 10 vehicles. Where any such use is located on a zoning lot abutting an R district and where any part shall be built along such line, any entrance to such establishment, or exit therefrom shall be by way of a major street.

SECTION 601.7 – BED AND BREAKFAST

Signage for a Bed and Breakfast facility is restricted to one sign with a gross area no greater than twelve (12) square feet. Only one side of the sign shall be utilized to compute the area.

~~No~~ Parties or receptions for pay shall be allowed at a Bed and Breakfast facility *by separate Conditional Use Permit*. *(Ordinance No. O-08-48)*

Before a conditional use permit is issued for a Bed and Breakfast facility, the building must be inspected by the Fire Marshall and/or Building Inspector to assure compliance with the Arkansas State Fire Code and to assure that no significant safety hazard exists. No conditional use permit shall be issued for a Bed and Breakfast facility if the building does not pass the inspection.

~~*SECTION 601.8 – BUILDING GROUPS*~~

~~*In approving building groups planned as a unit such as shopping centers, schools, civic centers, churches or housing projects consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres, the following shall apply. If the building group development is not subdivided into the customary streets and lots, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this Ordinance to the individual buildings in such project, the application of such requirements to the project shall be done by the City Council upon recommendations of the Planning Commission. This procedure shall be done in a manner that will be in harmony with the character of the neighborhood, will ensure a density of land use no higher and a standard of open space at least as high as required by this Ordinance in the district in which the proposed project is to be located. No use, building height or population density which violates its district requirements shall be allowed.*~~ *(Ordinance No. O-02-77)*

SECTION 601.9 – CARNIVAL, CIRCUS OR RELIGIOUS SERVICES IN TEMPORARY STRUCTURE

These facilities shall be restricted to areas approved by a permit from the City Council.

SECTION 601.10 – CHILD CARE

Child care *facilities* ~~centers~~ *(Ordinance O-06-168)*, when authorized under conditional use permits in residential districts, shall meet the following provisions:

A. The ~~center~~ *facility (Ordinance O-06-168)* shall be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence. *This requirement regarding a single-family dwelling and residence shall not apply to churches or existing buildings, which were originally constructed for purposes other than to provide housing.* The permit shall specify the maximum number of children to be cared for at each center. *(Ordinance O-96-48)*

B. The dwelling shall be located on a lot having not less than ten thousand (10,000) square feet of area, and all portions of said lot used for outdoor play space shall be fenced with an opaque, ornamental fence not less than six (6) feet in height.

C. The dwelling shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features and the center shall be operated in a manner that will not adversely affect other properties and uses in the area.

D. *The signage for each child care facility shall be limited to one non-illuminated wall sign no more than four (4) square feet in area. No free-standing signs or other signs shall be permitted. (Ordinance No. O-02-76)*

Commercial day care centers, kindergartens, and nurseries ~~*that are*~~ *must be* operated from ~~*buildings not originally designed as dwellings*~~ *existing buildings, churches or buildings originally designed as dwellings or they* shall be located in a nonresidential or multi-family zoning district. *They* shall be limited by the requirements of the State of Arkansas in licensing such a facility, and shall otherwise comply with all area regulations established for the district in which such facility is located. *(Ordinance O-96-48)*

SECTION 601.11 – COMMUNITY CENTER

In general: in an R district, a community center shall meet the same requirements as are set forth for a church, synagogue or temple in SECTION 601.21 – RELIGIOUS ACTIVITIES.

SECTION 601.12 – COMPLETION OF STRUCTURES PREVIOUSLY APPROVED

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building or structure where official approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner within two (2) years from the date of beginning and not discontinued until completion except for reasons beyond the builder's control.

SECTION 601.13 – COMPLETION OF STRUCTURES BEGUN PRIOR TO ANNEXATION TO THE City

Nothing herein contained shall require any change in the overall layout, plans, construction or size of any building, nor the issuance of any permits for any building for which the foundation has been completed prior to annexation to the City, provided the completion thereof is carried on in a normal manner within two (2) years from the date of beginning and not discontinued until completion except for reasons beyond the builder's control. If not completed within two (2) years, the building must meet all requirements for new construction.

SECTION 601.14 - HEIGHT

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

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

Chimneys, elevators, poles, spires, tanks, towers, *(except for transmission towers/station)* and other projections not used for human occupancy may extend above the height limit. *Transmission towers/station must conform to the height limits established for buildings in their respective zoning districts except in the industrial zoning districts (I-1, ~~I-2~~ RU-1 (ordinance O-03-148) and I-3) where transmission towers/station may be up to 150 feet in height. Any transmission tower/station which is not used for a continuous period of twelve (12) months must be dismantled and removed by the telecommunications service provider. (Ordinance O-98-33)*

Utility lines, when crossing public rights-of-way or easement, shall maintain a minimum clearance of eighteen (18) feet measured at the crown of the roadway.

SECTION 601.15 – HOME OCCUPATIONS

Home occupations, in those districts where permitted, are subject to all of the following conditions:

A. In any dwelling unit, all home occupations, collectively, shall not occupy more than twenty-five percent (25%) of the gross floor area of one floor of said dwelling, except this limitation shall not apply to foster family care.

B. A home occupation shall not require external alterations or involve construction features or the use of mechanical equipment not customary in dwellings.

C. There shall not be displayed or created outside the building or displayed by means of windows or openings in the structure any external evidence of the operation of the occupation, except for one street front of the zoned lot on which the building is located, one inanimate, non-illuminated accessory identification sign not more than two (2) square feet in area may be placed flat against a wall or door or displayed in a window.

Business occupations or professions conducted at the time of the effective date of these regulations in a residential structure or accessory building in a residential use area may be continued until such use of the structure is abandoned, provided that this shall not be construed to approve the continuation of an activity constituting a common law nuisance or any activity prohibited by statutes, ordinance or restrictive covenants applicable to the area.

Home occupation is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there are no advertising signs other than one nonilluminated nameplate not more than two (2) square feet in area attached to the main or accessory building; there is no commodity sold that is not created on the premises; and no person is employed other than a member of the immediate family resident on the premises; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property line. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his profession. The keeping of not more than two roomers or boarders shall be considered a permitted home occupation. A beauty shop having facilities to serve no more than one person or operated by not more than one operator shall be considered a permitted home occupation.

SECTION 601.16 – HOSPITAL SERVICES

A. HOSPITAL

Any and all hospitals shall be subject to the following conditions:

1. No ingress or egress (other than a service entrance on an alley) shall be more than fifty (50) feet from a major or collector street.

2. No building, work area or recreation area shall be nearer to a zoned lot in an R district than fifty (50) feet.

2. There shall be a screening wall maintained in good condition adjacent to any zoned lot in an A-1 or R district.

SECTION 601.17 – JUNK YARD, SALVAGE OR AUTO WRECKING YARD

Junk yard, salvage or auto wrecking yard, where permitted, shall be subject to the following provisions:

Exterior storage and processing areas within one hundred (100) feet of any major street or any residential, commercial or restricted industrial district shall be screened by a solid wall or fence at least six (6) feet high so located as to prevent visibility from any major street or any residential, commercial or restricted industrial district. Such fence shall not be used for advertising signs. Such fence may contain an identification sign not to exceed ten (10) square feet. A period of two (2) years from the date of passage of this Ordinance shall be allowed existing uses to comply with this regulation. After this period, they shall be deemed in violation.

SECTION 601.18 – MOBILE HOMES

A. MOBILE HOME SUBDIVISIONS

Mobile home subdivisions, which shall be established in the RMH Residential zone only, provide an opportunity for mobile home ownership of structure and lot for those mobile homes approved by the Department of Housing and Urban Development under Title VI of Public Law 93-383, USC5401 et seq. All mobile homes so located within an approved subdivision must have the date plate attached to the unit specifying “This mobile home is designed to comply with Federal Mobile Home Construction and Safety Standards in force at the time of manufacture.” Mobile home subdivisions shall fully comply with the regulations of this Ordinance and further be governed by the Land Subdivision and Development code of the City of Conway. Furthermore, individual mobile homes located within a mobile home subdivision must be converted to permanent structures as defined in Article 301 of this Ordinance.

B. MOBILE HOME PARKS

All new mobile home parks that are established or existing mobile home parks which are expanded after the effective date of this Ordinance shall comply with all of the regulations and standards contained in this section. Mobile home parks shall be established only in the RMH residential zone. Parks shall be established on large, well-drained tracts of land and no parcel of land containing less than two (2) acres shall be used for a mobile home park.

1. Development Standards

Mobile home parks shall be developed to provide a desirable residential environment appropriate to the needs and desires of the occupants. Mobile home spaces should be harmoniously and efficiently organized in relation to topography, existing trees and shrubs, and other natural features. A stylized uniform pattern in lining up units should be avoided. The mobile home park shall conform to the following standards:

a. Each mobile home space shall contain not less than three thousand eight hundred (3,800) square feet minimum area. Spaces may be irregular in shape, but each mobile home shall be not less than thirty-eight (38) feet in width and of adequate shape to provide off-street parking for two (2) automobiles.

b. The minimum front yard setback shall be twenty (20) feet to the front lot line of the mobile home park. Additionally, each mobile home unit shall be set back at least twenty (20) feet from all internal drives and access routes through the mobile home park.

c. Mobile home parks must set aside, improve and maintain an area to be used for recreational purposes. All parks shall develop a recreational area equal to six percent (6%) of the total land area of the park.

d. Internal streets and drives shall be designed for safe and convenient access to all mobile home spaces. All such internal drives shall be privately-owned, built and maintained. Such roadways shall be at least twenty (20) feet in width and shall be constructed with a bituminous or concrete surface.

e. No building or structure erected or stationed in the mobile home park shall have a height greater than one (1) story or fifteen (15) feet.

f. There shall be at least two (2) paved off-street parking spaces for each mobile home space which shall be on the same site or located in grouped parking bays specifically designed for this purpose close to the site served.

2. Approval Procedure

All licenses and permits as required by the City of Conway in this or other applicable ordinances shall be fully complied with before the park is open to tenants. The owner or developer shall submit a Letter of Intent and the preliminary plans for development of the mobile home park to the Planning Commission for review and approval prior to preparation of a final plat to ensure conformity with plans and regulations. The preliminary plans submitted shall include an approval by the Conway Corporation, the Gas company, and any other utilities or City governmental departments that may become involved in the final development of the site. The mobile home park owner and developer shall submit evidence indicating that he/she is responsible for the complete cost of the development, including site preparation, mobile home spaces, installation of all utilities, driveways, parking areas, park facilities and recreational facilities.

After review of the Letter of Intent, preliminary plans, and other information submitted by the developer, the Planning Commission may approve these plans if it finds that all appropriate regulations have been complied with. After approval by the Planning Commission, the developer shall cause to be prepared a final plat of the proposed mobile home park lot. This

plat shall be prepared by a Registered Professional Engineer in accordance with the Land Subdivision and Development code of the City of Conway.

C. MANUFACTURED HOMES

The establishment, location and use of manufactured homes as scattered-site single family residences shall be permitted in all Residential Zoning Districts, subject to all requirements and limitations applying generally to such residential use in each of the respective districts, and provided such homes shall meet all of the following requirements and limitations:

1. The home shall meet all requirements as defined in Article 301 and must possess all necessary building and occupancy permits and other certifications required by the City for a dwelling unit.

2. The home must be appropriately sited on the lot, with the front door or entry of the home oriented to the front of the lot. All required setbacks (front, side and rear) of the zoning district in which the home is located must be met without any exceptions or variances.

3. The home shall be attached and anchored to a permanent foundation in conformance with manufacturer's installation specifications.

4. The home shall be covered with an exterior material customarily used on site-built residential dwellings, and such material shall extend over the top of the foundation unless said foundation is constructed of solid brick, stone or masonry material.

5. The home shall have a roof composed of a material customarily used on site-built residential dwelling, such as fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.

6. A home located in any Residential district except the RMH District of the SR Suburban Residential District must be a double-wide or larger multi-section unit.

D. REPLACEMENT OF EXISTING SINGLE-WIDE MOBILE HOMES IN RESIDENTIAL DISTRICTS

The replacement of existing singlewide mobile homes in residential districts may be allowed subject to the granting of a conditional use permit if the following requirements are met:

1. *All notification and other requirements for submission of a conditional use permit request must be met.*

2. *In the case of a mobile home that is destroyed or removed from the lot prior to submission of the conditional use request, the submission must take place within thirty (30) days of destruction or removal of the mobile home.*

3. *All other requirements of this ordinance regarding placement of a mobile home in a mobile home subdivision, including those noted in the definition of mobile home, must be met. These include, but are not limited to, placement, setbacks, foundation, enclosure and parking.*

4. *All requirements of the zoning district in which the mobile home is to be replaced must be met. If a conflict exists between the requirements for a mobile home subdivision and*

the requirements of the zoning district in which the mobile home is to be replaced, the stricter requirements shall apply. (Ordinance No. O-99-12)

SECTION 601.19 – OPEN SPACE

No open space or lot area required for a building or structure shall, during its life, be occupied by or counted as open space for any other building or structure.

Eaves, canopies, cornices, windowsills and belt courses may project into any required yard a distance not to exceed three (3) feet. Open porches and canopies may project into a front or rear yard a distance not to exceed five (5) feet *except in residential zoning districts, where the additional projection into the rear yard is allowed, but the additional projection into the front yard is not allowed*. *(Ordinance No. O-02-164)* In commercial zones, a canopy may project into a front or rear yard no closer than twenty-five (25) feet to the lot line if the bottom of the canopy is no less than fourteen (14) feet from finish grade.

Where the dedicated street right-of-way on which the main building fronts is less than fifty (50) feet, the depth of the front yard and building setback line shall be measured starting at a point twenty-five (25) feet from the center line of the street right-of-way.

No dwelling shall be erected on a lot which does not abut on at least one street for at least thirty-five (35) feet and have a width of at least thirty-five (35) feet at the building line. Provided, however, that in MF-1, Multi-Family districts, the Planning Commission of the City of Conway may approve a specific land use plan containing lots with less than thirty-five (35) feet of street frontage and less than thirty-five (35) feet in width at the building line or both. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.

On any corner lot on which a front or side yard is required, no wall, fence, sign, structure or any plant growth having a height in excess of three (3) feet above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of thirty (30) feet along such front and side lot lines and connecting the points so established to form a right triangle on the corner of the lot adjacent to the street intersection.

An attached or detached private garage, which faces on a street, shall not be located closer than twenty-five (25) feet from the street right-of-way.

A private garage located in a Residential Zoning District (including MF and RMH Zones) shall not be used for storage of more than one commercial vehicle which does not exceed one and one-half (1 ½) tons rated capacity per family living on the premises. No more than two (2) spaces shall be rented to persons not residing on the premises for storage of noncommercial passenger vehicles only.

SECTION 601.20 – RECREATIONAL VEHICLE PARK

A. Definitions

Campsite: recreational vehicle site

Park: recreational vehicle park

Recreational vehicle: a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailers, truck campers, and motor homes. Not to exceed 8.5 feet by 40 feet.

Recreational vehicle parks: a lot of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational vehicle site: a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

B. Site Restrictions

An RV park shall not be allowed within 200 feet of a residential district.

Site conditions: conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.

Soil and ground cover: exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screenings, or other solid materials, or protected with vegetable growth that is capable of preventing soil erosion and of eliminating objectionable dust.

Drainage requirements: surface drainage plans for the entire tract shall be reviewed by the city engineer which shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and the city drainage plan, prior to issuance of site plan approval and of building permits. No permit shall be approved in such instances where the city engineer finds the plan to be incompatible with surrounding areas.

C. Park Density

Park density shall be no more than fifteen (15) campsites per acre.

D. Campsites and Campsite Spacing

Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle. Each site shall contain a stabilized, level vehicular parking pad of gravel, paving, or other suitable material. No part of a recreational vehicle or other unit placed on a recreational vehicle site shall be closer than five (5) feet to a site line.

E. Vehicle Circulation and Parking

RV park roads shall be designed for the safe and convenient movement of vehicles.

Where feasible, it is desirable that there be constructed a circular one-way road.

Each traffic and/or parking lane shall be a minimum of ten (10) feet wide, thus the minimum width for a one-way road with parking on one side would be twenty (20) feet.

Curves and turning radii shall be constructed to safely handle vehicles eight and one-half (8.5) feet wide and up to forty (40) feet long.

There shall be at least three (3) off-street parking spaces designated in the RV park for each two (2) RV sites.

All vehicle circulation or parking areas shall be paved with a minimum of two (2) inches of asphalt on seven and one-half (7.5) inches of compacted SB-2 gravel or covered with seven and one-half (7.5) inches of compacted SB-2 gravel constrained at the edges so gravel remains in the road bed.

F. Entrances and Exits

All RV parks shall be provided with safe and convenient vehicular access from an improved public street. It shall be the responsibility of the applicant to provide the necessary access in all cases where there is no existing improved street or road connecting the RV park site with an improved existing public street or highway. Any street improvement existing beyond the boundary of the RV park shall be improved in accordance with the standards of the City of Conway street regulations. All entrances and exits on state highways shall be approved by the Arkansas Highway and Transportation Department. All entrances and exists on all other roads shall be approved by the Conway Street Department.

All parks with more than twenty-five (25) sites shall have two (2) or more entrances/exits. All parks with more than one hundred (100) sites shall have three (3) or more entrances/exits.

G. Accessory Uses

Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a RV park and campground are permitted as accessory uses to the park. In addition, stores, and other convenience establishments shall be permitted as accessory uses, subject to the following restrictions:

(1) Such establishments and the parking area primarily related to their operations shall not occupy more than five (5) per cent of the gross area of the park.

(2) Such establishments shall be restricted in their use to occupants of the park.

(3) Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.

(4) The structures housing such facilities shall not be located closer than one hundred (100) feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

Recreation facilities: a minimum of eight (8) per cent of the gross site area for the RV park shall be set aside and developed as common use areas for open or enclosed recreation facilities.

H. Setbacks

Minimum campground front setback – Twenty-five (25) feet except when the RV park fronts on a state highway; then the minimum shall be fifty (50) feet.

Minimum side setback – when abutting a dedicated public right-of-way, the side setback shall be twenty-five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line.

Minimum park rear setback – fifteen (15) feet except when the rear yard abuts a dedicated public right-of-way. If the rear yard abuts a dedicated public right-of-way, the minimum shall be twenty-five (25) feet.

Where needed to enhance aesthetics or to ensure public safety, the RV park shall be enclosed by a fence, wall, landscape screening, or other designs approved by the planning director which will complement the landscape and assure compatibility with the adjacent environment.

I. Electrical, Water Supply, and Sewage Disposal

All construction and utility systems shall comply with all applicable city and state codes and standards, and be inspected by the appropriate inspectors.

J. Length of Stay

Spaces shall be rented by the day, week, or month: and occupants of such space shall remain in the same RV park not more than three (3) months in any one (1) year period.

No recreational vehicle shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond three (3) months in any twelve (12) month period shall be presumed to be permanent occupancy.

Any action toward removal of wheels of a RV except for temporary purposes of repair is hereby prohibited.

K. Development Application and Site Plan Requirements

Every application for the construction, operation, maintenance, and occupancy for an RV park shall be accompanied with plans and specifications, fully setting out the RV spaces, the position of each RV parking space, the driveway giving access thereto, and a plan of landscaping. Before any permit is issued for an RV park or any increment thereof, the plans and specifications shall first be approved by the Conway City Planning Commission.

SECTION 601.20.01 – PARKING OF COMMERCIAL VEHICLES, TRAILERS AND RECREATIONAL VEHICLES IN RESIDENTIAL ZONES

A. Definitions
For the purposes of this section, the following definitions shall apply:

Commercial vehicle:
A vehicle with or without its own motive power, with a chassis rated at more than one (1) ton or dimensions exceeding twenty (20) feet in total length or eight (8) feet in width or seven (7) feet in height; and customarily used as a part of a business for the transportation of goods or people. This definition shall also include the following vehicles:
(1) Dump trucks, trash haulers, bulldozers and other earth haulers or excavation equipment
(2) Trucks or buses used in interstate or intrastate commerce
(3) Vans of greater than one (1) ton load-carrying capacity
(4) School or church buses or vans of greater than one (1) ton load-carrying capacity
(5) Street sweepers and vehicle-mounted vacuum devices intended for the cleaning of streets or parking lots.
(6) Agricultural equipment.

Recreational Vehicle:
A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its ***own motive power or is mounted on or drawn by another vehicle. The term recreational vehicle includes, but is not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, houseboats, converted trucks or buses and 5th wheels.***

Trailer:
A vehicle, other than a commercial vehicle or recreational vehicle as defined in this section, equipped with wheels and normally towed over the road behind a motor vehicle.

Rear Yard
That part of a yard that is located on the opposite side of a dwelling unit from the street and that is not part of the side yard. For a dwelling unit on a corner lot, it is that part of a yard that is located on the same side of a dwelling as the required rear yard setback and no less than 25 feet from the exterior side yard line. If a corner lot meets the rear yard setback on both yards opposite the streets, the occupant of the dwelling may decide which of those yards is to be considered the rear yard.

Side Yard
That part of a yard that is located between the wall of a dwelling unit that is closest to the side yard line and that side yard line.

B. Restrictions on Parking in Residential Zones

Commercial Vehicles:
Except as provided herein, no portion of any lot, tract or parcel of land zoned for residential usage, including districts R-1, R-2, R-2A, SR, RMH, HR, MF-1, MF-2 and MF-3, and no part of any subdivision

in any A-1 zoning district where lots of less than one acre in area have been created and no public right-of-way or other publicly controlled property abutting any of the zoning districts described above shall be utilized for the parking of commercial vehicles as defined in this section.

Exemptions and conditions of exemption:

(1) For the purposes of this section, all vehicles engaged in public service work or repair services, such as utilities, drainage and/or street maintenance, delivery vehicles or contractors shall be exempt when these vehicles are engaged in the service or repair rendered and not stored for use off-site.

(2) Any vehicle of a commercial nature that is on call for emergency service purposes, such as a utility repair van, shall be permitted at any time.

(3) All exempted commercial vehicles are required to be parked on an all-weather surface such as asphalt, concrete or gravel.

(4) All exempted commercial vehicles must, at all times, be maintained in such a way as to be readily moved at any time, either under their own power, or in the case of any vehicles not having their own motive power, as towed vehicles and must be licensed as required by the State of Arkansas.

(5) No commercial vehicle shall be parked at any time in the required clear view zone at the intersections of streets. (See SECTION 601.19 – OPEN SPACE)

Recreational Vehicles:

Not more than one recreational vehicle and one trailer or two trailers, as defined in this section, per dwelling unit may be parked on any portion of any lot, tract or parcel of land zoned for residential usage, including districts R-1, R-2, R-2A, SR, RMH, HR, MF-1, MF-2 and MF-3 and any part of any subdivision in any A-1 zoning districts where lots of less than one acre in area have been created. Exemption: Any recreational vehicle that is within an enclosed building or behind a fence so it is completely hidden from view from any public right-of-way and from any abutting property or located in the rear yard is exempt from this limitation on number.

Requirements:

(1) Each recreational vehicle shall be parked on an all-weather surface such as asphalt, concrete or gravel. Exemption: Any recreational vehicle that is within an enclosed building or behind a fence so it is completely hidden from view from any public right-of-way and from any abutting property or located in the rear yard is exempt from this requirement.

(2) Each recreational vehicle must be parked no less than two (2) feet from any rear or interior side lot line.

(3) All recreational vehicles must, at all times, be maintained in such a way as to be readily moved at any time, either under their own power, or in the case of any vehicles not having their own motive power, as towed vehicles and must be licensed as required by the State of Arkansas.

(4) No recreational vehicle shall be parked at any time in the required clear view zone at the intersections of streets. (See SECTION 601.19 – OPEN SPACE)

(5) Except as provided herein, recreational vehicles shall not be parked in the public right-of-way or other publicly controlled property abutting any of the zoning districts described above. The public right-of-way typically includes property between the curbs or outer edges of streets and the property line of the lot or parcel.

Exemptions and conditions of exemption:

A recreational vehicle may be parked in that part of the public right-of-way abutting the owner's property and between the street curb and the lot line if it meets the other requirements of this section and meets the conditions listed below:

(a) It is positioned so that any portion of the vehicle that is tall enough to block the view of a driver of an automobile must be no less than nine feet behind the back of the curb of the street.

(b) Recreational vehicles may be temporarily parked on public rights-of-way in front of dwelling units for not more than forty-eight (48) continuous hours for the purposes of loading and unloading. Forty-eight (48) hours must elapse before the start of a new forty-eight (48) hour period, together with movement of the vehicle a distance of at least 500 feet or onto a private lot or parcel.

(c) Under no conditions may a recreational vehicle be parked on public rights-of-way so as to block the view at intersections of streets.

(d) One additional recreational vehicle per dwelling unit, on a visiting basis, may be parked in a residential zone for no more than twelve (12) days out of any thirty (30) day period.

Trailers

Not more than two trailers or not more than one recreational vehicle and one trailer, as defined in this section, per dwelling unit may be parked on any portion of any lot, tract or parcel of land zoned for residential usage, including districts R-1, R-2, R-2A, SR, RMH, HR, MF-1, MF-2 and MF-3 and any part of any subdivision in any A-1 zoning districts where lots of less than one acre in area have been created. Exemption: Any trailer that is within an enclosed building or behind a fence so it is completely hidden from view from any public right-of-way and from any abutting property or located in the rear yard is exempt from this limitation on number.

Requirements:

(1) Each trailer shall be parked on an all-weather surface such as asphalt, concrete or gravel. Exemption: Any trailer that is within an enclosed building or behind a fence so it is completely hidden from view from any public right-of-way or from any abutting property or located in the rear yard is exempt from this requirement.

(2) Each trailer must be parked no less than two (2) feet from any rear or interior side lot line.

(3) All trailers must, at all times, be maintained in such a way as to be readily moved at any time, either under their own power, or in the case of any vehicles not having their own motive power, as towed vehicles and must be licensed as required by the State of Arkansas.

(4) No trailer shall be parked at any time in the required clear view zone at the intersections of streets. (See SECTION 601.19 – OPEN SPACE)

(5) Except as provided herein, trailers shall not be parked in the public right-of-way or other publicly controlled property abutting any of the zoning districts described above. The public right-of-way typically includes property between the curbs or outer edges of streets and the property line of the lot or parcel.

Exemptions and conditions of exemption:

A trailer may be parked in that part of the public right-of-way abutting the owner's property and between the street curb and the lot line if it meets the other requirements of this section and meets the conditions listed below:

(a) It is positioned so that any portion of the vehicle that is tall enough to block the view of a driver of an automobile must be no less than nine feet behind the back of the curb of the street.

(b) Trailers may be temporarily parked on public rights-of-way in front of dwelling units for not more than twenty-four (24) continuous hours for the purposes of loading and unloading. Forty-eight (48) hours must elapse before the start of a new twenty-four (24) hour period, together with movement of the vehicle a distance of at least 500 feet or onto a private lot or parcel.

(c) Under no conditions may a trailer be parked on public rights-of-way so as to block the view at intersections of streets. (Ordinance No. O-02-128)

SECTION 601.21 – RELIGIOUS ACTIVITIES

A church, synagogue or temple, including Sunday school facilities shall be subject to the following conditions. All existing churches are exempted from requirement A below.

A. Vehicular access: when located in an R district or on a zoned lot contiguous to an R district, such facility shall have its principal vehicular entrance and exit on a major street or on another thoroughfare within one hundred fifty (150) feet of its intersection with a major street.

~~*B. The site plan must be approved by the Planning Commission.*~~ *(Ordinance No. O-02-77)*

SECTION 601.22 – SIGNS AND SIGN STRUCTURES: INCLUDING BILLBOARDS

All signs and sign structures, including billboards are controlled by the Sign Ordinance of the City of Conway, Arkansas, adopted July 9, 1996 by Ordinance O-96-60. Those requirements repeal all conflicting requirements established in this Zoning Ordinance. The requirements established in this Zoning Ordinance in this section have been removed from this document to help avoid confusion.

SECTION 601.23 – SINGLE-FAMILY DETACHED DWELLINGS IN COMMERCIAL DISTRICTS

A single-family detached dwelling existing legally within a district at the time commercial zoning is adopted or the district is rezoned to commercial may continue and be maintained as a single-family residential use, may have its use expanded through remodelings or additions to the residence or through additions of or remodelings or additions to accessory buildings, may be replaced if unintentionally destroyed, and may have accessory buildings replaced if removed or destroyed. All such changes shall meet the same accessory use permitted, height regulations, area regulations, and lot coverage as are required in the R-2 Low Density Residential District.

SECTION 601.24 – SETBACKS ON CORNER LOTS

This section shall apply to corner lots in C-2, C-3, I-1, ~~I-2~~, *RU-1 (Ordinance O-03-148),* I-3, O-1, O-2 and O-3 zones. In these zones, the setback from the principal street shall be equal to the front yard setback requirement regardless of which is declared to be the front yard. The principal street shall be the street with the higher classification in the City's functional classification system. The order of classification from highest to lowest is as follows:

Principal Arterial System
Minor Arterial System
Collector
Local Street

In the case of streets which have the same functional classification, the determination of which street is to be the principal street shall be made by the permit issuing authority based upon available traffic counts and other pertinent information.

SECTION 601.25 – SEWAGE TREATMENT PLANT OR SLUDGE DRYING BED

Sewage treatment plants or sludge drying beds are conditional uses in all zones. Before this conditional use may be granted, a single, specific, legal, responsible entity must be assigned

the specific responsibility for upkeep and maintenance of the facility. This responsibility must be a condition for the use to be allowed.

Any sewage treatment plant or sludge drying bed must be approved by the Arkansas Department of Health, the Arkansas Department of Pollution Control and Ecology, and the Conway Corporation prior to approval of the conditional use.

SECTION 601.26 – TRANSMISSION TOWER/STATION

~~For information on height controls on transmission towers/station, see SECTION 601.14 – HEIGHT. (Ordinance O-98-33)~~ (Ordinance O-13-62)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ordinance O-13-62)

SECTION 601.27 – OFFICE AS CONDITIONAL USE IN RESIDENTIAL DISTRICTS

A conditional use may be granted to allow the conversion of older structures within residential districts that are no longer useful, serviceable, or desirable in their present use to Restricted Office use. Such offices will have minimal to no negative impact on the residential areas. The following conditions are required:

- *Hours of operation: Appropriate hours of operation must be determined.*
- *Signage: Wall signage shall be limited to a non-illuminated faceplate attached to the structure no greater than 2 square feet in area. Freestanding signage shall be a non-illuminated monument or two pole sign no greater than 4 feet in height and 4 feet wide. A non-illuminated post and arm sign as defined by Conway sign regulations, may be substituted for a monument or two pole sign. No banners shall be permitted.*
- *Architectural Compatibility: Any remodeling or new construction must be compatible with the surrounding architecture. In areas outside of the Old Conway Design Overlay District or any Certified Local Government Historic District, compatibility shall be decided by the City Council after review by the Planning Commission.*
  Within the Old Conway Design Overlay District or any Certified Local Government Historic District, the Old Conway Design Review Board or Historic District Commission shall review and decide compatibility. This review shall include overall exterior appearance, materials, setbacks, height, lot coverage, etc. The setbacks, height, and lot coverage restrictions will be no greater than allowed by the lot regulations per zone, overlay, or historic district.
- *Term of the Conditional Use: Conditions are limited to the applicant. If the applicant does not own the property within 6 months of approval, the conditional use permit shall be void. If the property is sold, the conditional use shall be void.*
- *Lighting, parking, screening/buffering shall minimally match Conway Development Review Standards. Additional parking and/or screening/buffering requirements may be recommended by the Planning Commission and required by the City Council including, but not limited to, parking location and design, fencing or landscaping as required to provide an adequate buffer for neighboring properties.*
- *Sidewalks: Construction and or repair of existing sidewalks, if necessary, is required as per Conway Development Review Standards.*

These conditions are to insure the compatibility of the office use with any adjacent residential use. New construction designed to reinforce existing residential area characteristics that would not be detrimental to the surrounding residential area may also be allowed by conditional use.

(Ordinance O-09-43)

SECTION 601.28 – MOBILE VENDOR/MOBILE FOOD VENDOR (Ordinance-11-99)

Mobile Vendor/Mobile Food Vendor Regulations. Mobile vendors and mobile food vendors shall be subject to the following regulations:

A. Mobile vendors/mobile food vendors are permitted in the C-1, C-2, C-3, and C-4 zoning districts by right and O-1, O-2, O-3, I-1, RU-1, I-3, S-1, and S-2 districts with a conditional use permit.
B. Mobile vendors/mobile food vendors shall not operate within City street rights of way, City parks, or other public properties without securing a franchise agreement from the City Council.
C. Mobile vendors/mobile food vendors shall be located on private property.
D. Mobile vendors/mobile food vendors must locate on a paved surface or approved parking area.
E. Mobile vendors/mobile food vendors shall provide the city written permission from the property owner allowing operation of the mobile business for the duration of the time frame allowed by the permit.
F. Mobile vendors/mobile food vendors shall obtain written permission from the property owner or property owner within 500 feet allowing the mobile vendor and their customers to access commercial restroom facilities. Portable toilets may not be used to satisfy this requirement. Push carts or other similar equipment are exempt from this requirement.
G. Mobile food vendors shall secure a health permit from the Arkansas State Health Department prior to operation.
H. A permanent water or wastewater connection is prohibited.
I. Electricity shall be from an electrical outlet via a portable cord that is in conformance with the City codes or a generator. All power supplies shall be protected from vehicular traffic.
J. Mobile vendors/mobile food vendors shall possess any required City and State tax permits as required including the City of Conway prepared foods tax permit.
K. Mobile vendors/mobile food vendors shall not operate a drive through service.
L. Mobile vendors/mobile food vendors shall not locate in fire lanes, block the ingress/egress to the area, cause traffic hazards, block sidewalks, streets, alleys, or any other public place by causing people to congregate at or near the place where food or merchandise is being sold or offered for sale.
M. All mobile food vendors shall provide garbage receptacles for customer use.
N. During business hours and at the conclusion of business activities at a given location the mobile vendor shall clean the area around the mobile vending establishment of all trash, litter, and debris.
O. The noise level of mechanical equipment or outside sound equipment used in association with a mobile establishment shall not be a nuisance.
P. Any lighting must be inward, downward, and shrouded so that the light source is not directly visible.
Q. Signage is limited to signs attached flat to the exterior of the mobile vending structure of equipment. Signage printed on umbrellas or similar may be utilized. “A” frame signs as defined in the Conway Sign Ordinance may also be utilized.
R. Vending vehicles and/or equipment may not be larger than 180 s.f.
S. Tents/Inflatable Structures may be used for temporary events or sales. A building permit must be obtained along with Fire Marshall approval for tents larger than 200 square feet in area.
T. A recreational vehicle may not be used for commercial activity.
U. Vehicle sales offices are not considered mobile vendors and may not operate from a mobile vending structure. This prohibition excludes special event “tent” sales lasting 15 days or less in any 12 month period.

V. The sale of portable buildings must comply with the regulations of this section. Portable building sales must occur from a paved parking surface. Portable buildings may not be used as sales offices.
W. Seasonal sales such as Christmas tree sales, flower sales, etc. must comply with the regulations of this section.

EXEMPTIONS. The following activities, businesses, and/or persons, as such are commonly known, shall be exempt from mobile vendor/mobile food vendor regulations. However, this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

A. Newspaper couriers.
B. Lemonade stands.
C. Stands used to sell or distribute flowers, fruit, vegetables, produce, or plants grown on the property where the stand is located.
D. Delivery or distribution of food, goods or products ordered or purchased by customers from a point of sale other than a mobile vendor/mobile food vendor.
E. Delivery or distribution of food by or for any not-for-profit organization, governmental agency, or other charitable organization.
F. Ice Cream Truck Vendors as defined and regulated in Ordinance O-07-85 and amending ordinance O-07-109. Ordinance O-07-85 regulates the sale of frozen desserts from truck or cart vendors within the street right of way vending from a location for 15 minutes or less.
G. Catering trucks vending to businesses from one location for 30 minutes or less.
H. Farmer's market sales.

Mobile Vendor Site Permit. Mobile vendors/mobile food vendors utilizing a mobile structure where employees primarily work from within the structure and food or goods are prepared and/or dispensed through a window are required to obtain a mobile vendor site permit prior to moving the mobile structure onto a parcel or lot. This permit is valid for 12 months and must be renewed annually. The fee shall be assessed as a "Temporary Structure" fee of $250.

Special Event Mobile Vendor Site Permits. The Mayor may grant special event mobile vendor site permits for events which are 15 or fewer days in length and which are community-wide events which bring benefits to the community as a whole. At the Mayor's discretion, no fees will be paid for these permits and the permits may be issued for mobile vendors which may be situated in the public right-of-way and/or which may not meet the Zoning Ordinance requirements for building setbacks. At the Mayor's discretion, a tent or awning, or in special circumstances, a building which exceeds the dimensional requirements of this ordinance, may be granted a special event mobile vendor site permit.

Parking. In no instance, with the exception of special event vendor site permits as outlined above, may the mobile vendor/mobile food vendor reduce the number of available parking spaces below the minimum required for the primary business or other businesses on that same lot.

ARTICLE 701

NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

SECTION 701.1 – CONTINUATION OF NONCONFORMING BUILDINGS, STRUCTURES AND USES

A nonconforming building or structure legally existing at the time of adoption of this Ordinance or any use, structure or lot which has been rendered nonconforming by the provision of this Ordinance may be continued and maintained except as otherwise provided in this Section *and as noted in Section 401.7 Special Zoning Districts*. *(Ordinance O-11-30)*

SECTION 701.2 – NONCONFORMING BUILDINGS AND STRUCTURES

A. Alteration, Enlargement or Relocation of Buildings and Structures

A building or structure which is conforming as to use, but is nonconforming as to yards or height or off-street parking space, may be structurally enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which such building or structure is located. No nonconforming structure or building shall be moved, in whole or in part, to another location unless every portion of such building or structure is made to conform to all the regulations of the district in which it is to be located.

Nothing in the provisions of the foregoing regulation shall in any manner prevent or prohibit normal maintenance of the premises.

B. Destruction of Nonconforming Buildings or Structures

Any structure developed prior to Ordinance passage that complied with former Ordinance standards but has been rendered substandard by the new Ordinance may be termed a preexisting nonconforming structure and, in the event of damage or destruction, may be rebuilt to completion at the original site within one and one-half (1 ½) years of destruction and shall not exceed the original dimensions of the nonconforming building or structure.

SECTION 701.3 – NONCONFORMING USES

A. Building Vacancy

A building, structure or portion thereof or land utilized for a nonconforming use which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

B. Damage or Destruction of Buildings or Structures

If any structure that is devoted in whole or in part to a nonconforming use is destroyed by fire, explosion, or other casualty, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided such repair or reconstruction is commenced and completed within one (1) year of the date of such damage or destruction. In no event shall the structure be rebuilt, repaired or otherwise altered to increase the floor space or height of the original building in which the nonconforming use was conducted, except that the building height may be increased to minimally accommodate building code standards and not increase the nonconforming use.

C. Accessories to Primary Nonconforming Uses

Addition of or enlargement, alteration or relocation of accessories which are incidental to and accommodate the primary nonconforming use may be permitted if, after notices and public hearing and recommendation by the Planning Commission, the City Council finds the accessory promotes the public health, peace, safety and welfare and does not expand or enlarge the primary nonconforming use.

The procedures for application and review shall be the same as those for a conditional use with the exception that all notifications and posted signs must make reference to a request for alteration, enlargement or relocation of the use instead of a request for a conditional use.

D. Change in Use

Buildings or structures, which are nonconforming as to use, may not be enlarged or relocated on the lot. A nonconforming use may not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.

If a nonconforming use or a portion thereof is discontinued for a continuous period of one (1) year or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of this Ordinance.

E. Land

A nonconforming use of land without substantial buildings or structures may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Ordinance.

If such nonconforming use or portion thereof is discontinued for a period of three (3) months, or changed, any future use of such land or change of use shall be in conformity with the provisions of the district in which such land is located.

SECTION 701.4 – DISTRICT CHANGES

Whenever boundaries of a zoning district shall be changed so as to transfer an area from one district to a different classification to another, the foregoing provisions shall also apply to any nonconforming uses existing therein.

ARTICLE 801

BOARD OF ZONING ADJUSTMENT

SECTION 801.1 – CREATION AND APPOINTMENT

The Planning Commission shall serve as the Board of Zoning Adjustment. (O-11-97) ~~There is hereby reappointed a Board of Zoning Adjustment, which shall consist of seven (7) members; each to be appointed by the Mayor and confirmed by the City Council for a term of three (3) years. Not less than one (1) member shall be appointed from the membership of the Planning Commission.~~

~~A member of such Board of Zoning Adjustment, once qualified, can thereafter be removed during his/her term of office only for cause on a majority vote of the City Council. In the event of the death, resignation, or removal of any such member before the expiration of his/her term, a successor shall be appointed by the Mayor and confirmed by the City Council to serve his/her unexpired term.~~

~~SECTION 801.2 – ORGANIZATION~~

~~A. Officers~~

~~A Chairperson and Vice Chairperson shall be elected annually by the Board from among its membership. The Chairperson, or in his/her absence, the Vice Chairperson, shall preside at all meetings, shall decide all points of order or procedure, and, as necessary, shall administer oath and compel the attendance of witnesses. The Mayor shall appoint a secretary, who shall hold office during the will and pleasure of the Mayor, and shall receive such compensation from the City of Conway as may be fixed from time to time by the City Council of the City of Conway.~~

~~B. Rules and Meetings~~

~~The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Ordinance. Meetings shall be held on a regular schedule and at such other times as the Board may determine. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact; it shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board. A quorum of the Board shall consist of five (5) members. The concurring vote of five (5) of the Board members shall be necessary to revise any order or decision of the enforcement officer or to decide on any matter upon which it is required to pass under this Ordinance.~~ *(O-11-97)*

SECTION 801.3 – POWERS AND DUTIES

The *Planning Commission acting as the (O-11-97)* Board of Adjustment shall have all the powers and duties prescribed by law and by this Ordinance, which are more particularly described as follows:

A. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this Zoning Ordinance. The ~~Board~~ *Commission (* may affirm or reverse, in whole or in part, said decision of the administrative official.

B. Variances

To authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of this Zoning Ordinance shall not be granted by the *Planning Commission* ~~Board of Adjustment~~ *(O-11-97)*unless and until:

1. The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district; that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings in the same district.

2. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

3. The *Planning Commission* ~~Board of Adjustment~~ *(O-11-97)*shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

4. The *Planning Commission* ~~Board of Adjustment~~ *(O-11-97)*shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the *Planning Commission* ~~Board of Adjustment~~ *(O-11-97)* may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Ordinance.

Under no circumstances shall the *Planning Commission* ~~Board of Adjustment~~ *(O-11-97)* grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Ordinance in said district.

C. Special Exceptions

In addition to the powers and duties specified above, the *Commission* ~~Board~~ *(O-11-97)* shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

1. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this Ordinance.

2. Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.

SECTION 801.4 – PROCEDURE FOR APPEALS

A. Application

Appeals to the *Commission* ~~Board~~ may be taken by any person aggrieved or by any officer, department, or board of the City affected by any decision of the administrative official. All appeals and applications made to the *Commission* ~~Board~~ shall be made in writing on forms prescribed by the *Commission* ~~Board~~ within ten (10) days after the decision has been rendered by the administrative official. Every appeal or application shall refer to the specific provision of the Code involved and shall exactly set forth (1) the interpretation that is claimed, (2) the use for which the permit is sought, or (3) the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. The appeal or application shall be filed with the officer from whom appeal is taken who shall forthwith transmit to the *Commission* ~~Board~~ all papers constituting the record upon which the action appealed from was taken. *(O-11-97)*

B. Public Notice and Hearing

The *Commission* ~~Board~~ shall conduct a public hearing of an appeal at the next available regular meeting of the Planning Commission. The applicant shall publish a public notice at the applicant's expense at least once not less than fifteen (15) days preceding the date of such hearing in a newspaper of general circulation in Conway. ~~Fix a reasonable time for the public hearing of an appeal, cause public notice to be given of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at the applicant's expense at least once not less than seven (7) days preceding the date of such hearing in a newspaper of general circulation in Conway.~~ The public notice shall give the particular location of the property on which the appeal is requested, including a legal description and an address (if no address is available, a description which is clear to the average lay person will suffice), as well as a brief statement of what the appeal consists. *(O-11-97)*

Each applicant for the variance shall be required to post a *public hearing notice* sign ~~obtained from the Planning Department~~ on the property for which the variance is being sought at least ~~seven (7)~~ *fifteen (15)* days prior to the date of the public hearing. *(O-11-97)* This sign shall be in plain view of and easily readable from a public street, state the variance being sought, and give the place, date, and time of the public hearing. ~~*The applicant shall make a Seventy-Five Dollar ($75) deposit or not less than the cost of replacing the sign, whichever is greater for said sign refundable if returned.*~~ *The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. (Ordinance O-02-07)*

In addition, the petitioner shall be required to notify by ~~certified~~ USPS First Class mail with Certificate of Mailing ~~return receipt~~ and/or petition, all property owners within two hundred (200) feet of his property of his intentions to seek a variance, not less than ~~seven (7)~~ fifteen (15) (O-11-97) days prior to the hearing. The petitioner shall state the date and time and location of the public hearing and describe the requested variance with the ~~certified~~ letter and/or petition. The Certificates of Mailing ~~postmarked certified receipts and/or return receipts~~ and/or petition shall be submitted to the Planning Department staff not less than five (5) days prior to the meeting of the Planning Commission ~~Board of Zoning Adjustment~~ (O-11-97)along with a map showing the location of the property in question, as well as the owners within 200 feet of the property and a letter from the petitioner certifying that the map shows a complete list of those property owners. (Ordinance O-01-88) (Ordinance-14-08)

Each applicant must submit, at least ~~ten (10)~~ *fifteen (15) (O-11-97)* days prior to the public hearing, a scale drawing showing the requested variance along with all relevant information, including the exceptional condition or situation of the property which causes the exceptional practical difficulty or undue hardship for which relief is being sought.

~~Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting be publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. At a public hearing any party may appear in person, by agent, or by attorney.~~ *(O-11-97)*

C. Effect of appeal

An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the *Commission* ~~Board~~ *(O-11-97)*, that, by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by

the *Commission* ~~Board~~ *(O-11-97)* or a court of record on application, and notice to the person from whom the appeal was taken.

D. Time Limit on Permits

No order permitting the use of a building or premises, or the alteration or erection of a building shall be valid for a period longer than sixty (60) days unless such use is established or the erection or alteration is started within such period and proceeds to completion in accordance with the terms of a building permit.

E. Fee

The fee for any appeal or application to the *Commission* ~~Board~~ *(O-11-97)* shall be ~~*thirty-five dollars ($35.00)*~~ ~~*one hundred dollars*~~ *three hundred twenty-five dollars ($325.00)*, no part of which shall be refundable. The administrative official shall deposit with the City Treasurer each month all fees collected during the preceding month. ~~*(Ordinance No. O-02-85)*~~ *(Ordinance No. O-07-121)*

F. Appeals from *the Planning Commission acting as (O-11-99)* Board of Adjustment

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the *Planning Commission* ~~Board of Adjustment~~ *(O-11-97)* may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.

ARTICLE 901

ADMINISTRATION

SECTION 901.1 – BUILDING PERMIT REQUIRED

This Ordinance shall be enforced by the Mayor or Enforcing Officer designated by the City. It shall be a violation of this Ordinance for any person to erect, alter, move or improve any building or structure until a building permit has been obtained under the following conditions:

Building Permits: Whenever any structure or building is to be erected or structurally altered, including but not limited to modular or manufactured structures, a Building Permit shall be obtained from the Mayor or Enforcing Officer. Every applicant for a Building Permit shall furnish the following information:

1. A plot plan, drawn to scale, showing the exact size, shape and dimension of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities and all easements on the lot.

2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.

3. Additional information relating to the proposed improvement needed to determine compliance with these regulations.

4. A survey prepared by an engineer or surveyor registered in the State of Arkansas of the boundaries of the lot on which the improvement is proposed to be located may be required by the Mayor or Enforcing Officer.

5. A record of such application and plats shall be kept by the Enforcing Officer, and is subject to review by the Planning Commission.

SECTION 901.2 – PROCEDURE FOR AUTHORIZING CONDITIONAL USES

Where the letter "C" appears for certain uses in the Tables of Uses, and where such uses are listed as conditional in the district regulations, their use is permitted subject to acquiring a Conditional Use Permit. The uses designated under the various districts herein as "Conditional Uses" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the conditional uses with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

A. An application shall be filed by the property owner with the City Planning Commission for review. Said application shall be filed no less than seventeen (17) days prior to the Planning Commission meeting. Such applications shall show the location and intended use of the site. A general graphic representation of what is proposed shall be submitted as well.

B. The property owner must file a legal notice in regard to the proposed change, which must run in the local newspaper at least once no later than fifteen (15) days prior to the public hearing. This public notice must include the conditional use sought, the location (including legal description and address (if no address is available, a description which is clear to the average lay person will suffice)), and the time, date and place of the public hearing.

C. In addition, the property owner will be required to notify by ~~certified~~ *USPS First Class* mail with *Certificates of Mailing* ~~return receipts requested~~ and/or petition, all property owners within two hundred (200) feet of the property of ~~his~~ their intention to apply for a conditional use permit no less than fifteen (15) days prior to the public hearing. The petitioner shall state the date and time of the public hearing with a ~~certified~~ letter and/or petition. The *Certificates of Mailing* ~~postmarked certified receipts and/or return receipts~~ and/or petitions shall be submitted to the Planning Department staff not less than ten (10) days prior to the Planning Commission meeting along with a map showing the location of the property in question as well as the owners within 200 feet of the property and a letter from the petitioner certifying that the map shows a complete list of those property owners. *(O-14-08).*

D. In addition the petitioner shall post one or more "conditional use permit" signs on the premise of said property. Such sign(s) shall be clearly visible, unobstructed to the passing general public, and posted on or near the existing front property line not later than fifteen (15) days prior to the public hearing. ~~*The sign shall be provided by the Department of Planning concurrent with applying for said permit. The applicant shall make a Seventy-Five Dollar ($75.00) deposit or not less than the cost of replacing the sign, whichever is greater for said sign refundable if returned.*~~ *The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. (Ordinance O-02-07)*

E. The City Planning Commission shall hold one (1) or more public hearings thereon.

F. The Planning Commission ~~*shall, within*~~ *must act on a proposed conditional use permit request within* seventy (70) days of the public hearing*.* ~~*(when extenuating circumstances exist the Commission may request additional time for study from the date of application) transmit to the City Council its report as to the effect of such proposed buildings or use upon the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the general welfare, and recommendation of the Planning Commission concerning use thereon. Thereupon, the City Council may authorize or deny the issuance of a Conditional Use Permit for the use of land or buildings as requested.*~~

<u>Approval</u>: If the Planning Commission recommends approval of a conditional use permit request, the Planning Commission shall send the request forward to the City Council for action.

<u>Disapproval</u>: If a conditional use permit request is disapproved by the Planning Commission, the petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission's findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the conditional use permit request. A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. (Ordinance O-07-73) If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place. (Ordinance No. O-03-51)

G. The City Council may impose conditions and restrictions upon the premises benefited by a Conditional Use Permit as may be necessary to reduce or minimize any injurious effects of the conditional use. Such action may be necessary to ensure that the conditional use is compatible with surrounding property to better carry out the intent of this Ordinance.

H. The Planning Commission and City Council shall in no case authorize less than minimum requirements of the Ordinance relating to height, area, setbacks, parking or landscaping.

I. Certain uses, due to their public/quasi-public nature and their potentially deleterious impact on adjacent properties, are not applicable "by right" in any zoning classification except industrial districts. Such uses may only be placed within the City as Conditional Uses. They are (1) utility storage yard, (2) utility substation, and (3) water/sewage treatment plant or related ancillary facilities.

J. <u>Conditional Use Development Standards and Review Guidelines</u>

(1) The proposed use shall be so designated, located and operated so that the public health, safety and welfare will be protected.

(2) The proposed land use shall be compatible with other area properties located near it.

(3) The proposed use shall be in compliance with the provision of "Conditional Uses" as set out in this Ordinance.

(4) The proposed use shall be in conformance with all applicable provisions stated in this Ordinance for the district in which the use is to be located. The use shall facilitate public convenience at that location.

(5) The proposed conditional use shall be in conformance with all off-street parking and loading requirements of this Ordinance and ingress and egress and pedestrian ways shall be adequate.

(6) Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust and odor shall have been addressed in the proposed use application.

(7) Landscaping and screening of the proposed use shall be in accordance with these Ordinance regulations.

(8) Proposed use signage shall be in accordance with the provisions of this Ordinance.

(9) Open space located on the proposed use shall be maintained by the owner/developer.

(10) The size and shape of the site, including size, shape and arrangement of proposed structures shall be in keeping with the intent of this Ordinance.

K. Conditions

If any portion of the conditional use authorization is utilized, all such conditions shall take effect. Violation of any condition imposed shall constitute grounds for revocation of the conditional use authorization. Time limits may be set for exercise of such authorization, otherwise, any exercise of authorization must commence within a reasonable time length. No authorized conditional use may be subsequently applied for a variance to the Board of Adjustment. All amendments or changes to a conditional use authorization must follow the same process as was followed by the original conditional use. No building permit shall be issued except in conformance with provision of this Section.

L. Fee

The fee for any application for a conditional use permit shall be ~~one hundred dollars ($100.00)~~ three hundred twenty-five dollars ($325.00), no part of which shall be refundable. ~~(Ordinance No. O-02-85)~~ (Ordinance No. O-07-121)

SECTION 901.3 – VIOLATIONS AND PENALTIES

A violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall be fined not less than twenty dollars ($20), nor more than one hundred dollars ($100) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of the Ordinance, the proper authorities of the City may institute appropriate legal action or other remedies to prevent the unlawful action.

SECTION 901.4 – AMENDMENTS

A. Authority

The City Council shall have the authority to enact amendments to the text or map of the Zoning Ordinance in accordance with the provisions of this Section. Such action may be initiated on the recommendation of the Planning Commission, on its own motion, or on petition from a property owner. Before action is taken in regard to any amendment of the Ordinance, the Planning Commission shall have reviewed the case and given a recommendation. However, nothing in this section shall be construed to limit the City council's authority to recall the ordinances and resolutions by a vote of the majority of the Council.

B. Guidelines for Decision Making

The City Council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the Planning Commission and planning staff, use of provisions of the Comprehensive Plan, Master Street Plan, Master Parks Plan, and Community Facilities Plan, as well as any other appropriately approved document created to provide required public facilities necessary to protect the public interest. Any denial by the City Council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.

C. Procedure

(1) No petition shall be reviewed by the City Council without a report from the Planning Commission on the case. Any petitioner must pay a filing fee of ~~*seventy-five dollars ($75.00)*~~ ~~*two hundred dollars ($200.00)*~~ *three hundred twenty-five dollars ($325.00), no part of which shall be refundable*. ~~*(Ordinance No. O-02-85)*~~ *(Ordinance No. O-07-121)*

(2) A petition giving the legal description of the property involved and the zoning classification requested for the property, shall be submitted to the Planning Commission by the agent of the property owner no less than seventeen (17) days prior to the public hearing. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. ~~A proposed ordinance rezoning the property shall also be submitted with the petition for approval as to its correctness and form.~~ *(Ordinance O-14-08)*

(3) Upon receipt of the petition for an amendment, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:

(a) The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least one time fifteen days prior to the hearing. The petitioner shall take responsibility for publishing of the notice. The notice must include the rezoning being sought, the location (including legal description and address(if no address is available, a description which is clear to the average lay person will suffice)), and the time, date and place of the public hearing.

(b) In addition, the petitioner shall post one or more “rezoning signs” on the premises of said property to be rezoned. Such sign(s) shall be clearly visible, unobstructed to the passing general public and posted on or near the front property line not later than fifteen (15) days prior to the public hearing. ~~*The sign shall be provided by the Department of Planning concurrent with applying for said rezoning. The applicant shall make a Seventy-Five Dollar ($75.00) deposit or no less than the cost of replacing the sign for said sign which will be refunded upon return of sign.*~~ *The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. (Ordinance O-02-07)*

(c) In addition, the petitioner will be required to notify by ~~certified letter~~ *USPS First Class mail* and/or petition, all property owners within two hundred (200) feet of ~~his~~ *the* property of ~~his~~ *their* intentions to rezone not less than fifteen (15) days prior to the hearing. The petitioner shall state the date and time of the public hearing with the

~~certified~~ letter and/or petition. The *Certificates of Mailing* ~~postmarked certified receipts and/or return receipts~~ and/or petition shall be submitted to the Planning Department staff not less than ten (10) days prior to the Planning Commission meeting along with a map showing the location of the property in question as well as the owners within 200 feet of the property and a letter from the petitioner certifying that the map shows a complete list of those property owners. *(Ordinance O-14-08)*

(d) Following the public hearing, the proposed amendment may be approved as presented or in modified form, by a majority vote of the Planning Commission and recommended for adoption by the City Council, with reasons for recommendation stated in writing.

(e) If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within ~~*thirty (30)*~~ *fifteen (15)* days from date of the hearing, and the recommendation for disapproval sent to the City Council. *(Ordinance O-03-50)*

(f) The City Council by majority vote, may by ordinance, adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation. If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by majority vote, amend this ordinance by granting the request for amendment in full or in modified form. However, nothing in this section shall be construed to limit the City Council's authority to recall the ordinances and resolutions by a vote of a majority of the council.

(g) Following ~~*approval,*~~ disapproval ~~*or no action*~~ of a proposed amendment by the Planning Commission, the *petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission's findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the request. (Ordinance O-03-50)* ~~*petitioner may appeal such disapproval to the City Council, stating why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the Designated Agent within fifteen (15) days of the date he received reasons for disapproval from the Planning Commission. (Ordinance O-95-20) petition will be sent to the City Council for action. A petitioner may withdraw the request for an amendment prior to action by the City Council. (Ordinance O-03-50)*~~ *A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place. (Ordinance O-07-73)*

(4) No application for a zoning amendment will be considered by the Planning Commission within twelve (12) months from date of final disapproval of a proposed amendment. *Provided, however, upon approval of 6 votes of the City Council, a reapplication for rezoning may be submitted in less than 12 months. The resubmission must meet all requirements for a rezoning request and must be a different rezoning. (Ordinance O-00-113)*

SECTION 901.5 – SEVERABILITY

If any portion of this Ordinance shall be held to be invalid or unconstitutional, the remainder of the Ordinance shall not thereby be invalid, but shall remain in full force and effect.

SECTION 901.6 – REPEAL OF CONFLICTING ORDINANCES

Any ordinance now in effect that conflicts with any provision of this Ordinance is hereby repealed, held to be invalid and to no effect to the extent of the conflict.

SECTION 901.7 – EMERGENCY CLAUSE

Whereas no emergency exists for the immediate taking effect of this Ordinance, therefore, the same shall be in full force and effect one month from and after its passage.

SECTION 901.8 – CONVERSION OF PREVIOUS ZONING CLASSIFICATION OR DISTRICTS

The zoning classification or districts which were created and existed under the previous zoning ordinance are hereby converted into the zoning classifications or districts which are created and established herein, under the terms of this Ordinance, according to the following conversion table. Said table reflects the zoning classifications or district that same will be classified as under this Ordinance.

CLASSIFICATION OF DISTRICTS

PRESENT	FORMERLY
Residential	
R-1 - One-Family Residential District	R-1 Unchanged
R-2A - Two-Family District	R-2A Unchanged
R-2 - Two-Family Residential District	R-2 Unchanged
SR - Suburban Residential (Added)	
MF-1 - Multi-Family District	MF-1 Unchanged
MF-2 - Multi-Family District	MF-2 Unchanged
MF-3 - Multi-Family District	MF-3 Unchanged
RMH - Mobile Home Subdivision District	Formerly RT-1, 2 & 3
Commercial	
C-1 -Central Business District	C-1 Unchanged
C-2 - Neighborhood Commercial District	C-2 Unchanged
C-3 - Highway Service and Open Display District	C-3 & C-4 Combined
C-4 - Large Shopping Center Commercial District	C-5 Became C-4
Office	
O-1 - General Office District	Combined O-1 & O-3
O-2 - Quiet Office District	O-2 Unchanged
O-3 - Restricted Office District	O-4 became O-3

Industrial

I-1	- Intermediate Industrial District	I-1 Unchanged
RU-1	- Restricted Use District	I-2 Became RU-1
I-3	- Intensive Industrial District	I-3 Unchanged

SPECIAL

A-1	- Agricultural District	A-1 Unchanged
S-1	- Institutional District	S-1 Unchanged
		FP Eliminated

ARTICLE 1001

MOVING OF BUILDINGS

SECTION 1001.1 – PERMIT REQUIRED

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

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

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

Such building shall be deemed an "Accessory Building" and will be subject to the conditions applying to uses in Section 601.2 of the Zoning Ordinance. Such building shall further comply with all requirements set forth in this ordinance for the zoning district into which said building or structure is placed.

However, the Mayor and Designated Agent may grant a 90 day permit to locate a temporary or portable building or office within the City of Conway. However, the provisions of Section 1001.2 – Applications do not apply to this 90 day permit, but application for such permit shall be made direct to Designated Agent and Mayor for approval and issuance of permit.

SECTION 1001.2 – APPLICATIONS

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

(a) Description of type of building to be moved.

(b) Present location of building.

I Proposed location of building.

(d) Present and future use of the building.

(e) Route over which said building is to be moved and method to be used in moving said building.

(f) Photographs of the building or structure to be moved and photographs of the buildings on the properties contiguous with the premises onto which the building or structure is to be moved.

(g) A report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation.

(h) Such other information as may reasonably be required in order to carry out the purposes of this Section.

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

SECTION 1001.3 – FEES

Before any application for a relocation permit is forwarded to the City Planning Commission an application fee shall be paid by the applicant to the Designated Agent to cover the cost of investigation and inspection. The application fee shall be ~~thirty-five dollars ($35.00)~~ *three hundred twenty-five dollars ($325.00) (Ordinance No. O-07-121)* for any building located within the City of Conway. For any building located outside the City of Conway, the application fee shall be ~~thirty-five dollars ($35.00) plus one dollar ($1.00) for each mile, or fraction thereof, when the building to be moved is located beyond the city limits of the City of Conway~~ *three hundred twenty-five dollars ($325.00), no part of which shall be refundable. (Ordinance No. O-07-121)* This application fee shall be in addition to all other fees required by the City Code of the City of Conway.

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

SECTION 1001.4 – NOTICE OF HEARING

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

(a) The date on which the Planning Commission of Conway shall hold a hearing on the application for a permit to move a building.

(b) Description of type of building to be moved.

(c) Present location of building.

(d) Proposed location of building.

The sign shall be clearly visible, unobstructed to the passing general public and posted on or near the front property line. ~~*The sign shall be provided by the Planning Department concurrent with the application. The applicant shall make a seventy-five dollar ($75) deposit or no less than the cost of replacing the sign for the sign which will be refunded upon return of the sign.*~~ *The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. (Ordinance O-02-07)*

The applicant must file a legal notice in regard to the building moving which must run in the local newspaper at least once no later than fifteen (15) days prior to the public hearing. This public notice must include the present location of the building to be moved, the location (including legal description and address (if no address is available, a description which is clear to the average lay person will suffice)), the type building to be moved, the proposed use of the building and the time, date and place of the public hearing.

SECTION 1001.5 – HEARING

At the time *of the scheduled public hearing,* ~~fixed in said notices to be posted as aforesaid,~~ any person may appear before the Planning Commission of the City of Conway and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application for a permit, the Planning Commission of Conway shall ~~forward to the City Council of the City of Conway the original application, and the Planning Commission's findings recommending the approval or disapproval of the application~~ *approve or disapprove of the application.* ~~The hearing of said application may be continued from time to time at said Planning Commission's discretion. On receipt of said recommendations,~~

Following disapproval of a proposed building moving permit request by the Planning Commission, the petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission's findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the request. A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place. (Ordinance O-07-73)

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

SECTION 1001.6 – PERMIT CONDITIONS

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

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

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

SECTION 1001.7 – REMOVAL CLEANUP

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

SECTION 1001.8 – DENIAL OF PERMIT – GROUNDS

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

SECTION 1001.9 – BOND DAMAGE TO STREETS OR PROPERTY

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

SECTION 1001.10 – EXEMPTIONS

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

All buildings specifically designed and built to be transported over public roads are exempt from the requirements of this article. However, a building permit must be obtained prior to movement of the building and all building codes (including electrical, mechanical and all other relevant codes) must be met and the building must be inspected for compliance with those codes prior to final placement of the building on the parcel of land. Furthermore, the permitting and inspecting department may require a report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation if it is deemed necessary. If the report is unsatisfactory, the building may be refused a building permit or any building permit that may have been issued may be voided. (Ordinance No. O-01-60)

ARTICLE 1101

DEVELOPMENT REVIEW

SECTION 1101.1 – PURPOSE

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

A. To preserve and enhance the general quality of life of the residents and visitors of the City of Conway,
B. To 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, the access to, and the benefits provided by all public areas within the City.

SECTION 1101.2 – 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 ~~only~~ to all other development only in the zones listed below: (Ordinance O-12-70)

MF-1 Multi-Family District	*C-1 Central Business District*
MF-2 Multi-Family District	*C-2 Neighborhood Commercial District*
MF-3 Multi-Family District	*C-3 Highway Service & Open Display District*
RMH Mobile Home District	*C-4 Large Shopping Center Commercial District*
O-1 General Office District	*I-1 Intermediate Industrial District*
O-2 Quiet Office District	*RU-1 Restricted Use District*
O-3 Restricted Office District	*I-3 Intensive Industrial District (Section 1101.7, ~~P~~O)*
S-1 Institutional District	*PUD Planned Unit Development*

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 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. All development allowed through a conditional use permit in all zones.~~ (Ordinance O-12-70)

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.

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.*

SECTION 1101.3 – PROCEDURES FOR DEVELOPMENT REVIEW

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.

A. 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.

B. Development Review Submittal
The following items are required for Development Review Approval:

1. *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 (O-00-03).*
2. *A completed and signed Development Review Application (Form No. DR-03)*
3. *A completed Development Review Checklist (Form No. DR-04)*
4. *All site development plans*
5. *Verification of payment of all associated fees, bonds, charges, and debts*
6. *Any required traffic engineering study, as determined by the City engineer*
7. *General statement of character and intent of use of the development*
8. *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 at any time the Planning Department is open for business.

C. *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.

SECTION 1101.4 – DEVELOPMENT APPROVAL & 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.*

SECTION 1101.5 – 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 1101.6 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 and fifty dollars ($250) shall be submitted with the Development Review Notice of Appeal.*

SECTION 1101.6 – 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. *A site which is capable of accommodating the proposed development.*
B. *Ensuring that proper attention is paid to site and architectural design, thereby protecting land values.*
C. *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.*
D. *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.).*
E. *Ensuring physical, visual, and functional compatibility between uses.*
F. *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.*
G. *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.*
H. *An adequate street system to provide access to the project without unduly stressing the carrying capacity of that system.*
I. *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.

SECTION 1101.7 – 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:

A. Site Characteristics and General Requirements

1. *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.*
2. *Developments requiring hillside excavation shall adhere to all standards of Ordinance O-06-67, and all amendments.*
3. *Projects adjacent to parks, plazas, and other public outdoor amenities should be oriented toward those areas.*
4. *Generally accepted best practices shall be adhered to in order to prevent soil erosion and siltation of the given site's watershed.*
5. *Natural vegetation should be retained to supplement the required landscaping to the extent required, possible, and reasonable.*
6. *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.*
7. *Smoke, soot, particulates, and/or other discharges into the air shall not exceed the levels established by any State or Federal environmental agencies.*
8. *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.*

B. Site Coverage

A maximum of 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^2), then dividing that sum by the site area (ft^2). The formula is detailed below:

(GFA + LCA) ÷ Site Area = Percent Impervious Surface (%)

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

C. *<u>Standards and Concepts for Design and Architecture</u>*

During the Development Review process, the Planning Director will conduct an assessment of various design and architectural elements which may include, but not be limited to the following:

1. *Massing and harmony*
    a. *Developments which encompass more than one building should incorporate a recurring, unifying, and identifiable theme for the entire development site.*
    b. *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.*
    c. *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.*
    d. *Non-residential buildings sharing street frontage with residentially developed properties should maintain a residential character.*
2. *Size and shape*
    a. *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.*
        i. *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.*
        ii. *The maximum permitted length of an uninterrupted façade plane shall be fifty (50) feet for buildings greater than twenty-thousand (20,000) square feet.*
        iii. *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. Furthermore, differing colors, materials, and textures, when used in concert with one another, may be considered interruptions for buildings of this scale.*
    b. *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.*
3. *Façade characteristics*
    a. *Exterior construction materials shall vary in type, form, and color*
        i. *Metal siding, when used as the primary sheathing of the I, 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 I.*
        ii. *Masonry shall occupy no less than 51%* ***of any façade*** *of any structure.*
        iii. *Unpainted, unstained, and/or otherwise untreated precision concrete block shall not be visible on any part of any exterior façade.*
        iv. *All buildings should have a defined base and cap.*
    b. *"Franchise architecture" is strongly discouraged. "Branding" a structure makes it difficult, if not impossible, to redevelop into another use.*

i. 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 by all developments.

ii. The only franchise identifying feature should be minor façade details, and the company's logo and signs.

iii. Please refer to Paragraphs B, C, and D of the "General Design Guidelines" when making considerations.

c. To avoid a monolithic appearance, I design should attempt to break down buildings into smaller sections, with each section varying in type, material, and/or color.

i. Rear and side façades shall be similar to (but may be more modest than) the primary I in their architectural treatment when visible from the public realm or adjacent residential areas.

ii. Blank walls visible from the public realm and residential areas shall not be allowed. Where blank wall sections are unavoidable due to the requirements of a particular land use or structural needs, they shall receive special design treatments up to at least the finished ceiling height of the first floor building space in order to increase visual appeal and interest:

1) Lush vegetation in front of the wall (such as a trellis with climbing vines or other planted materials like trees and shrubs) which cover at least 50% of the blank wall surface.

2) Provide a decorative masonry pattern, or other architectural feature, over at least thirty percent (30%) of the blank wall surface.

3) Employ small setbacks, projections, indentations, or intervals of material change to break up the wall's surface.

4. Location with respect to natural topography and finish grade elevation.

D. <u>Considerations for Traffic, Access, Parking, and Loading</u>

1. Association, Relation, and Integration

a. 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.

b. 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.

c. 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.

d. 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.

2. Access Requirements

In order to preserve the smooth flow of traffic along adjoining streets and highways, the number of curb cuts allowed shall be limited. Furthermore, driveway sharing shall be required for all properties abutting collector streets and minor and major arterials, as identified by the Comprehensive Plan. The following

measurements shall be taken from the nearest respective edge of each curb cut, driveway, or intersection.

a. Curb Cuts (Accesses)

i. Curb cuts shall be a minimum of twelve (12) feet in width and a maximum of forty (40) feet in width

ii. Curb cuts shall be no less than one-hundred (100) feet apart.

iii. 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.

iv. No curb cut shall be within one hundred and twenty-five (125) feet of any intersection.

v. 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.

b. Joint Access

i. 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.

ii. 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.

iii. 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:

1) 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.

2) A signed joint-access agreement with the deed allowing a shared driveway or service drive along the desired adjoining property line.

3) Record of a joint maintenance agreement defining maintenance responsibilities of each property owner.

iv. Temporary curb cuts shall be closed provided that easements, agreements, and improvements providing joint access are secured upon future neighboring development.

c. Cross Access

i. All parking lots for non-residential properties shall have at least one vehicular connection to all adjacent properties.

ii. 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 "a." above.

iii. A design speed of 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.

iv. 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.

v. *All cross accesses should contain landscaping and/or other design features to make them visually obvious to traffic as a service corridor.*

vi. *A unified access and circulation system plan that includes coordinated or shared parking areas should be offered wherever feasible.*

d. *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.*

e. *Any access management requirements established by any other Federal, State, local, regional, or City access management systems or agency must be met.*

3. *Driveway Throat Length*

a. *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.*

b. *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.*

c. *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.*

4. *Right Turn Deceleration Lanes*

a. *A dedicated right turn lane is often necessary when the right turn volume exceeds 750 vehicle trip ends per day and/or the development fronts an arterial with a speed limit greater than forty-five (45) mph.*

b. *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 750 vehicle trip ends daily.*

c. *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.*

d. *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.*

5. *Parking*

a. *Orientation*

i. *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.*

ii. *Continuous access, head-in parking is not permitted as off-street parking. Vehicles shall not back out onto public streets.*
iii. *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.*

b. *Design*
   i. *Parking lots shall be designed with a hierarchy of circulation:*
      1) *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.*
      2) *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.*
      3) *Narrower parking aisles to reduce speeds and allow for direct access to parking spaces. Maximum of twenty (20) feet in width.*
   ii. *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 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.*
   iii. *Bicycle Parking Space Size, Access Aisles, and Vertical Clearance*
      1) *Required bicycle parking spaces shall be at least 2 feet by 6 feet each.*
      2) *An access aisle of at least 5 feet shall be provided in each bicycle parking facility.*
      3) *Such areas shall have a vertical clearance of at least 6 feet.*
   iv. *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:*
      1) *Support the frame of the bicycle and not just one wheel*
      2) *Allow the frame and one 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*
      3) *Allow the use of either a cable or U-shaped lock*
      4) *Be securely anchored to the ground or building so as to prevent the rack from being removed*
      5) *The surfacing of such facilities shall be designed and maintained to be mud and dust free.*

c. *Location of Parking areas*
   i. *Off-street parking shall be located within one-thousand feet of the structure to be served, measured as a straight line between the nearest points of the parking area and the structure.*

ii. *Off-site Parking*
    1) *If off-site parking areas are provided, they shall provide a complete pedestrian infrastructure connecting the parking area and the structure being served.*
    2) *Off-site be located on property zoned to allow the same principal use as said structure.*

iii. *All off-street parking areas shall have direct access to a street or alley.*

iv. *Bicycle parking areas shall be visible, secure, accessible, easy to use, and convenient.*
    1) *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."*
    2) *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.*

v. *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.*

d. *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.

i. *Automobiles: category minimums and maximums*
    1) *Residential*
        a) *Minimum 1.5 spaces per dwelling unit*
        b) *Maximum 2.0 spaces per dwelling unit*
    2) *Lodging*
        a) *Minimum 1.0 spaces per lodging room*
        b) *Maximum 1.1 spaces per lodging room*
    3) *Office/Institution*
        a) *Minimum 2.8 spaces per 1,000 ft^2*
        b) *Maximum 4.2 spaces per 1,000 ft^2*
    4) *Retail/General Business*
        a) *Minimum 3.4 spaces per 1,000 ft^2*
        b) *Maximum 4.8 spaces per 1,000 ft^2*
    5) *Restaurant*
        a) *Minimum 9 spaces per 1,000 ft^2*
        b) *Maximum 12 spaces per 1,000 ft^2*
    6) *Industry*
        a) *Minimum 0.6 spaces per 1,000 ft^2*
        b) *Maximum 1.8 spaces per 1,000 ft^2*

ii. *Deductions shall be applied to the above requirements for structures exceeding 10,000 square feet*
    1) *10,001 ft^2 - 20,000 ft^2 = 95% total*
    2) *20,001 ft^2 - 30,000 ft^2 = 90% total*
    3) *30,001 ft^2 - 40,000 ft^2 = 85% total*
    4) *40,001 ft^2 - unlimited = 80% total*

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

iv. *Bicycles: category minimums and maximums*
    1) *Residential: minimum 1.0 space per dwelling unit*
    2) *Lodging: minimum 0.1 spaces per lodging room*
    3) *Office/Institution: minimum 1 space per 15 provided parking spaces*
    4) *Retail/General Business: minimum 1 space per 15 provided parking spaces*
    5) *Restaurant: minimum 1 space 15 provided parking spaces*
    6) *Industry: minimum 1 space per 25 provided parking spaces*
    7) *In all cases where bicycle parking is required, no fewer than two (2) spaces shall be required.*
    8) *After the first thirty (30) bicycle spaces are provided, additional spaces required shall be reduced by one-half (0.5) the aforementioned standards.*

v. *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.*

e. *Overflow Parking*

i. *Additional "overflow" parking spaces may be approved by the Planning Director for overflow events and seasonal demands, and based upon adequate reasoning.*

ii. *All surface parking spaces provided in excess of the maximum requirement shall be pervious in nature.*
    1) *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.*
    2) *Standard, non-porous asphalt or concrete, or other impervious materials, shall not be permitted within the overflow area.*

f. *Minimum Parking Space and Maneuver Area Dimensions*

i. *Parallel Spaces*
    1) *Width: 22 Feet*
    2) *Depth: 8 Feet*
    3) *Maneuver Area: 12 Feet*

ii. *Angled Spaces (45º to 60º)*
    1) *Width: 9 Feet*
    2) *Depth: 18 Feet*
    3) *Maneuver Area: 18 Feet*

iii. *Right Angle Spaces (90º)*
    1) *Width: 9 Feet*
    2) *Depth: 20 Feet*

3) Maneuver Area: 20 Feet

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

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

g. Shared Parking

i. In areas where there are two 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.

ii. 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).

iii. A convenient, visible pedestrian connection between all shared parking areas must be provided and maintained.

iv. The availability of off-site parking for all participating developments shall be indicated by directional signs as permitted by Article 1301 of the City of Conway Zoning Ordinance.

v. Property owners must enter into a Shared Parking Agreement.

1) Each party identifies specific requirements and maintenance responsibilities. (A Shared Parking Agreement format may be obtained by contacting the Planning Department.)

2) 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.

h. Pedestrian Circulation

i. Avoid placing primary vehicle access in close proximity to major building entries in order to minimize pedestrian and vehicular conflicts.

ii. 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.

iii. 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.

iv. 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.

i. Surfacing

i. All parking areas shall be paved with a sealed surface pavement or concrete.

1) Shall be designed and constructed in accordance with Chapter 9.04 Minimum Standards for Construction of the Conway Municipal Code.

2) Shall be maintained so as to prevent dust resulting from continued use.

ii. *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.

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

j. *All requirements established under Article 501 or the City of Conway Ordinance No. O-94-54 not superseded by this Article shall remain in effect and applied during Development Review.*

6. *Traffic Study*
   a. *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.*
   b. *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).*
   c. *All traffic engineering studies shall be conducted at the developer's expense.*
7. *Passenger/Cargo Loading and Unloading Areas*

   All loading and service areas shall be designed so as not to interfere with other planned circulation on the site and so as to provide adequate space and facilities.

E. *<u>Mechanical and Utility Equipment</u>*
   1. *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.*
   2. *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.*
   3. *Mechanical equipment over forty-eight (48) inches in height shall meet building setbacks.*
   4. *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.*
   5. *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 feet of unobstructed clearance shall be provided for transformer door(s) with five (5) feet of clearance along non-door sides.*

6. *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.*
7. *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.*
8. *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.

F. *<u>Trash, Refuse, and Recyclable Material Storage</u>*

1. *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.*
2. *All trash, refuse, and recyclable materiel 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.*
3. *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:*
   a. *The container room shall be located only in the side or rear of a building and shall be easily accessible for servicing.*
   b. *The container room shall be fully enclosed.*
9. *Buildings located more than fifteen 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:*
   a. *A 15'x15' prepared surface of 4" reinforced concrete on which the containers will rest, and a 10'x15' skirt of 8" reinforced concrete on which the trucks will rest during servicing.*
   b. *Enclosure walls on three sides at a minimum of six 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.*
   c. *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.*
   d. *All such "dumpster pads" shall require approval by the Conway Sanitation Department.*
   e. *A paved surface shall be provided between the trash container enclosure and the street from which the container will be serviced.*
   f. *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.

g. *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.*

4. *The current property owner shall bear the responsibility of maintenance.*
    a. *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.*
    b. *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.*
5. *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.*

G. *<u>Service, Loading, and Storage Areas</u>*

1. *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.*
2. *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.*
3. *Loading facilities shall be designed as an integral part of the building served and be in the most inconspicuous location.*
4. *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.*
5. *Public circulation should not route through loading or service areas. A service yard, by definition, precludes public circulation through it.*
6. *Service and roll-up doors shall be painted to match the building or trim.*
7. *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:*
    a. A minimum landscaped setback of twenty (20) feet shall be provided between the service yard (nearest curb) and the property line.
    b. A fence or wall shall be built to screen the service yard and shall be constructed to the following standards:
        i. *Be of a durable material (i.e. brick or stone masonry, wood, iron, composite, etc.).*
        ii. *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.*
        iii. *The fence or wall shall avoid a "stockade" appearance.*
        iv. *Fences and walls should be designed with materials and finishes that complement project architecture.*
        v. *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.*

vi. *Located to provide an unobstructed landscape strip along the "outside" of the wall or fence (between it and the adjoining residential or institutional property)*

1) *Minimum six (6) feet in width*
2) *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.*
3) *All maintenance shall be the responsibility of respective property owners. Low-maintenance vegetation is strongly encouraged.*

8. *Where appropriate, service yards shall include provisions for loading areas, trash containers, storage areas, utility equipment, maintenance equipment or vehicles.*
9. *All such areas shall be exempt from interior landscaping requirements, but not from setback, perimeter landscaping, and/or pertinent screening requirements.*

H. *Fences*

1. *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).
2. *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.
3. *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. .

I. *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.

1. *General Requirements*
    a. *All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped.*
    b. *Landscaping shall be provided which is sufficient to provide soil stability and suitable drainage.*
        i. *Trees, shrubs, groundcover, and grass shall be placed and/or retained in such a manner as to reduce runoff and/or erosion.*
        ii. *Graded areas shall be re-vegetated to ensure erosion control by seeding, mulching, and fertilizing. Disturbed areas shall be planted with suitable plant materials.*
        iii. *Landscape fabric or erosion blankets should be provided on slopes exceeding fifty percent (50%) while ground cover is being established.*
    c. *The current property owner shall properly maintain all required landscaping.*
        i. *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.*
        ii. *Any unhealthy or dead plant material shall be replaced within the ensuing year in accordance to the approved landscaping plan.*
    d. *Native species should be used when possible, in order to minimize watering.*
    e. *Conway Corporation shall be consulted for all Landscape Plans which propose plantings within utility easements.*
2. *Preservation*
    a. *It is strongly encouraged the all landscaping plans attempt to incorporate existing on-site landscape features and vegetation.*
    b. *Preservation shall be the first, best, and standard approach.*
        i. *All existing landscape features and vegetation shall be displayed on a sketch or drawing to be submitted with Development Review application.*
        ii. *Concerned parties shall discuss methods for preserving these identified features during the Preliminary Conference.*
    c. *Where possible and reasonable, existing mature, "significant" trees, rock outcroppings, and riparian corridors shall be preserved and incorporated into landscape plans.*
    d. *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.*
3. *Structure Landscaping Requirements*
    a. *There should be a landscape strip around the base of all structures on the site. This strip should have a minimum width of three feet, exclusive of sidewalks or driveways which cross at a generally perpendicular angle.*
    b. *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.*
4. *Sign Landscaping Requirements*
    a. *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.

b. *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.*
c. *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.*

5. *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.

   a. *Street Frontages*
      i. *A minimum landscaped area of either ten feet or five percent 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 40 feet.*
      ii. *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.*
   b. *Interior Lot of Property Lines*
      i. *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.*
      ii. *A perimeter landscape strip at least twenty (20) feet in width shall be provided along all property lines adjoining any residential area.*
      iii. *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.*
      iv. *Existing vegetation which meets, in whole or in part, the purposes of perimeter landscaping described above, may be applied toward these requirements.*

6. *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.

   a. *Parking areas and cars should not be the dominant visual element of the site or streetscape.*
   b. *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.*
   c. *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.*

i. *A landscape island shall be provided at the end of each parking lot aisle.*
ii. *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.*
iii. *All islands shall be a minimum of one-hundred-and-fifty (150) square feet of unobstructed landscape area.*
iv. *All islands shall be sodded, seeded, or mulched. Applicants are required to plant additional shrubs, annuals, perennials, ornamental grass, and/or groundcover.*
v. *All islands shall have a minimum unobstructed width of eight (8) feet.*
vi. *All islands shall be protected by a six (6) inch concrete curb.*

d. *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.*
   i. *With the exception of driveways which may cross them, these areas shall extend the width or depth of the parking lot.*
   ii. *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.*
   iii. *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.*

e. *Internal landscaping should be aligned to create "green edges" necessary to define access, circulation, and parking areas.*

f. *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:*
   i. *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.*
   ii. *Where earth berms are used, they shall conform to the following:*
      1. *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.*
      2. *Where a berm does not reach the minimum required screening height, additional screening measures shall be necessary.*
   iii. *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.*
   iv. *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.).*
      1. *Any desired fence or wall shall avoid a "stockade" appearance.*
      2. *Fences and walls should be designed with materials and finishes that complement project architecture.*
      3. *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.

v. 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.

J. <u>Lighting</u>

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.

1. *Reasonable amounts of lighting shall be allowed and provided, as appropriate, at intersections, along walkways, at building entrances, between buildings, and in parking areas.*
2. *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.*
    a. *Fixtures shall be appropriate in size and scale for the surrounding area.*
    b. *Fixtures shall not exceed the height of adjacent structures.*
3. *Unshielded wall packs and floodlights are not permitted.*
4. *Commercial outdoor lighting shall be used for safe pedestrian passage and property identification only during active business hours.*
    a. *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.*
    b. *Lights that are controlled by photocells and timers are highly encouraged.*
5. *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.*
    a. *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.*
    b. *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.*
    c. *No light source (bulb) should be directly visible from any point off of the property or any roadway.*
    d. *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.*

e. 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 5 feet above the ground.

6. Bulb Type

a. High-Pressure and Low-Pressure Sodium are highly recommended due to their low energy consumption and long lamp life.

b. 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.

c. 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.

d. Incandescent and/or florescent are most recommended for motion activated fixture as well as low-intensity needs, such as entryways.

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

8. All proposed fixtures shall be shown on the Landscape Plan.

K. <u>Signs</u>

All signage shall adhere to the guidelines and regulations detailed within Ordinance O-96-60 and all amendments thereto (Article 1301, City of Conway Zoning Ordinance), 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.

L. <u>Exterior Seating and Eating and Drinking Establishments</u>

1. Outdoor seating for eating and drinking not covered by permanent roof structure

2. shall be allowed for up to fifty percent (50%) of the establishment's allowed indoor seating.

3. 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.

4. The seating shall not require or be dependant upon any new structures not otherwise permitted by the City of Conway Zoning Ordinance.

5. 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.

6. The property owner shall be responsible for maintaining the outdoor seating area in a clean, sanitary, and orderly manner.

7. Outdoor seating shall consist of only necessary items (i.e. tables, umbrellas, chairs, patio heaters etc.).

8. 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.

M. <u>Sidewalks</u>

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

2. *Sidewalks shall be constructed on all streets public and private, regardless of classification, with the exception of alleys, for all projects requiring Development Review.*

N. *<u>Right-of-Way Dedication</u>*

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.

O. *<u>I-3 Intensive Industrial District Standards</u>*

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.

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

1. *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.

   a. *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.*
   b. *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*
      i. *orientation of the site;*
      ii. *portions of the building;*
      iii. *decorative screening walls or fencing;*
      iv. *landscaping.*

      NOTE: Screening shall be designed as in integral part of the building design and site layout.
   c. *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:*
      i. *tables, benches, or seat walls;*
      ii. *canopy trees, potted plants, trellises and other shade structures;*

iii. trash receptacles;
iv. enhanced paving.

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

P. *<u>Special Standards</u>*

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.

1. *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.

   a. *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.*
   b. *Private, communal open space, accessible only by building residents, should be provided.*
   c. *Parking lot and security lighting for commercial uses should be appropriately shielded so as not to spill into adjacent residential areas.*
   d. *Loading areas and refuse storage facilities should be located as far as possible from adjacent residential uses, both on- and off-site.*
   e. *Commercial and residential parking areas should be clearly delineated through dedicated signs, street markings, or other methods.*
   f. *Provide clearly marked and separated driveways and parking areas for each proposed use where possible.*
   g. *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.*
   h. *When multiple uses are proposed in a single building, separate and convenient entrances for each use should be provided.*
   i. *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.*

2. *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.

   a. *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.*
      i. *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.*
      ii. *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.*

iii. *These common areas should be sheltered as much as possible from clamor of streets, parking, and other incompatible uses.*

b. *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.*

c. *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.*

d. *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.*

e. *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.*

f. *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 facades.*

g. *The design of any outdoor storage or gardening facilities should complement the architecture of the primary building as well as the overall site design.*

h. *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." Buildings should function as a positive addition to the streetscape.*

i. *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.*

3. *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.

a. *Space for the unloading of cargo and vehicles from trucks shall be integrated into the overall design of the site.*

b. *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.*

c. *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.*

d. *Any on-site service or repair facilities should:*

i. *provide vehicle access to individual bays which is internal to the site (preferably the rear) and not directly off of street frontage;*

ii. *provide screening for such bays so as to not be visible from public right-of-ways;*

iii. *provide a dedicated vehicle washing area; and*

iv. *not be visible or audible to passing pedestrians from the street or adjacent residential areas.*

e. *Public and business-related parking areas should be clearly delineated through dedicated signs, street markings, or other methods.*

f. *Specific site locations should be created for the storage of used oil and lubricants pending recycling.*

g. *All compressors should be located in the interior of the site or within buildings so as to minimize any audible impacts to adjacent properties.*

h. *Vehicle dealership landscaping*

i. *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.*

ii. *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.*

iii. *Any parking lot island required by Article 1101.7.I.6.c which does not include a canopy tree shall be densely planted with evergreen shrubs at a height of thirty (30) inches or greater. (O-13-109)*

4. *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.

a. *Lush perimeter landscaping or other attractive and appropriate measures should be provided to screen the paved areas.*

b. *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.*

c. *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.*

d. *Dense landscaping, berming, architectural treatments, or a combination these elements should be used to maximize the screening of the site from public view.*

e. *All structures on-site should be consistent with and complement the architectural design of the primary building and overall project site.*

i. *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.*

ii. *Canopy height should be held to the minimum necessary to achieve daily operations. "Open air" pump stations are encouraged to accommodate larger vehicles.*

iii. *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.

5. *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 1301 of the Conway Zoning Ordinance, 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.

SECTION 1101.8 – SPECIFIC SUBMISSION REQUIREMENTS

Submissions which do not fulfill all requirements of this Section will not be accepted for review or approval, unless otherwise expressly directed by the Planning Dept.

A. *The following items are required for any Development Review:*

1. *A completed and signed Development Review Application*
2. *A completed Development Review Checklist*
3. *Verification of payment of Development Review Fee*
4. *Two complete sets of the site's development plans. All plans must be on white paper. One complete set shall be plotted no smaller than 18" x 24" and no larger than 36" x 42" (24" x 36" preferred). One complete set will be reduced dimension, no smaller than 8 ½" x 11" and no larger than 11" x 17". Each "set" of development plans shall include, at a minimum, the following individual plans:*
   a. *Site Plan*
   b. *Landscape Plan*
   c. *Grid Photometric Plot*
   d. *Exterior Architectural Elevations*
5. *Digital files of all completed site development plans. The preferred format for these files is Adobe .pdf, and they must be scaled to the same dimensions as the largest of the paper copies. Submissions can be made via any typical medium (CD-ROM, diskette, e-mail, Flash Drive, etc.)*
6. *Any required traffic engineering study, as determined by the City engineer*
7. *General statement of character and intent of use of the project/development*
8. *All supporting documentation. Examples may include, but not be limited to the following: variances, deeds, access agreements, conditional use permits, lighting cut sheets, etc.*

B. *The following basic information shall be provided on each individual plan:*

1. *North arrow*
2. *A graphic scale, drawn using an engineer's scale, to a scale not smaller than 1" = 50' (all other scales shall be approved by Planning Department staff)*
3. *Name of person who prepared the plan.*

4. *Date of preparation of the plan*
5. *Property lines*
6. *All existing and proposed buildings and structures*
7. *All existing and proposed parking areas and curbing*
8. *All freestanding signage*
9. *All landscaped areas (details necessary only on Landscape Plan)*
10. *Abutting streets, alleys, and private drives*
11. *All water courses, manmade or natural, entering and/or leaving the site, and their direction of flow*
12. *Display base flood elevation with floodplain and floodway limits according to maps prepared by FEMA or NFIP, and any floodplain or floodway modifications*
13. *Pedestrian and vehicular access points, to include all curb cuts and cross access drives*
14. *All existing and proposed sidewalks and bike paths*

C. *<u>The following items must be included **on a schedule or chart** displayed on the Site Plan:</u>*

1. *Acreage of site, accurate to the nearest one-tenth of an acre*
2. *Square footage of site, accurate to the nearest square foot*
3. *Square footage of all proposed and existing impervious surface areas, and their percentage of total site coverage (not to exceed 80%); otherwise referred to as Lot Coverage Area (LCA)*
4. *Square footage of all proposed and existing pervious surface areas, and their percentage of total site coverage (minimum 20% required)*
5. *Number of existing buildings to remain on site*
6. *Number of proposed buildings*
7. *Gross Floor Area (GFA); the total square footage of all covered floor area on all levels of all buildings*
8. *If the site is a multiuse building or facility, please include a "Total Floor Area By Use" chart detailing existing and proposed square footage for each of the following: residential, office, retail, restaurant, medical, institutional, industrial*
9. *Height of each building*
10. *Square footage of total building coverage ("footprint"), and its percentage of total site*
11. *Number of total dwelling units (if residential), and the land use intensity (unit per acre)*
12. *Minimum parking requirement (to include ADA/Handicapped accessible), and the number proposed*
13. *Minimum number of parking lot islands required, and the number proposed*
14. *General slope analysis representing one of the following categories:*
    a. *0% to 5%*
    b. *6% to 12%*
    c. *13% and greater*
15. *Minimum building setback requirements (front, rear, and sides) for the given Zoning Class, and the proposed setbacks of each building*
16. *Total number of curb cuts, to include existing, proposed, and any being closed*
17. *Identify any Overlay District which applies to any part of the site*
18. *Identify any part of the site located within the Asa P. Robinson Historic District*
19. *Identify any part of the site which is listed on the National Register of Historic Places*

D. *<u>The following items are required and must be displayed on the Site Plan:</u>*

1. *A vicinity map of the project, drawn to a scale of one inch equal one thousand feet (1" = 1,000') with a radius of no less than one-half (½) mile, and oriented in the same*

manner as site plans. This map shall include public and private streets, corporate (city) limit lines, location of project with boundaries identified, as well as all adjacent zoning. (Base maps are available from www.conwayplanning.org)

2. *Identification of any part of site as being within the 100-Year Floodplain or 100-Year Floodway. Identify base flood elevation with reference to the FIRM Panel number and effective date.*
3. *Appropriate signature block for approval*
    a. *If approved by the Planning Director:*

    Pursuant to the Conway Zoning Ordinance, this development plan was given approval by the Planning Director of the City of Conway, Arkansas. All conditions of approval having been completed, this document is hereby accepted and this certificate executed under the authority of such regulations.
    Date of execution: _____

    _____

    Conway, Arkansas Planning Director

    b. *If approved by the Planning Commission:*

    Pursuant to the Conway Zoning Ordinance, this development plan was given approval by the Planning Commission of the City of Conway, Arkansas. All conditions of approval having been completed, this document is hereby accepted and this certificate executed under the authority of such regulations.
    Date of execution: _____

    _____

    Conway, Arkansas Planning Commission Chair

    c. *If approved by the City Council:*

    Pursuant to the Conway Zoning Ordinance, this development plan was given approval by the City Council of the City of Conway, Arkansas. All conditions of approval having been completed, this document is hereby accepted and this certificate executed under the authority of such regulations.
    Date of execution: _____

    _____

    Mayor, City of Conway

4. *Necessary notes with a complete and accurate legend*
5. *The boundary lines of the site, to include bearings, dimensions, and a reference to a section corner, quarter corner, or point on a recorded plat*
6. *Existing and proposed topographic information with contour lines at vertical intervals of two feet or less*
7. *Proposed finished grade with contour intervals of two feet or less*
8. *Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, and other dominant elements of the plan*
9. *Building lines (setbacks) shall be shown on all sides of the lot*
10. *Parking lot layout to include striping plan and circulation pattern*

11. *Abutting streets, alleys, and private drives (including name, centerline, total width, and R-O-W width)*
12. *All existing and proposed easements (location, dimension, and purpose)*
13. *All existing and proposed ditches, swales, gutters, and culverts*
14. *Locations and sizes of any loading areas, service areas, docks, and ramps*
15. *Proposed screening measures for all exterior mechanical equipment (ground, wall, and/or roof mounted)*
16. *Proposed screening measures for all dumpsters, refuse and recycling pads, and trash storage areas*
17. *All existing and proposed fire hydrants*
18. *All proposed traffic calming measures*
19. *Open spaces and recreation areas*
20. *Seal and signature of the site architect or engineer, registered/certified in the State of Arkansas*
21. *All other applicable information pertinent to the plan and necessary to properly evaluate the plan in full context and obtain all permits*

E. *<u>The following items are required and shall be displayed on the Landscape Plan:</u>*

1. *All existing vegetation, to include that along adjacent property lines*
2. *Species of all proposed plant materials and other ground covers*
3. *Location of all proposed plant materials and other ground covers*
4. *Size of plants at planting and maturity*
5. *Method of irrigation*
6. *Special features, such as berming and retaining walls*
7. *Cross-sections through areas of special features*
8. *Location, size, pylon height, color ,and material of sign structures, to include both stand-alone signs and those affixed to buildings facades*
9. *All proposed fencing, walls, and other screening measures, to include material, design, and height*
10. *All other applicable information pertinent to the plan and necessary to properly evaluate the plan in full context*
11. *All Landscape Plans must be, at a minimum, prepared by a person knowledgeable in the field. On all projects two (2) acres and more, a certified landscape architect shall be required to seal/stamp and sign the Landscape Plan.*

F. *<u>The following items are required and shall be displayed on the Grid Photometric Plot:</u>*

1. *Location of all exterior lighting fixtures*
2. *Height and aiming of all exterior lighting fixtures*
3. *Maximum luminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every ten-foot square, and shall include light contributions from all sources, to include fixtures used for pedestrian and vehicle ways, security, signage, and decoration*
4. *Manufacturer-supplied specifications "cut" sheets that include photographs or illustrations of the fixtures, indicating the certified "cut off" characteristics of each fixture*
5. *ISO-footcandle templates are highly encouraged for each light source, plotted at the designated mounting heights for the proposed fixtures. NOTE: this may be required during Development Review based upon Planning Department staff assessment of the project's potential impact on surrounding areas*

G. *<u>The following items are required and shall be displayed on the Exterior Architectural Elevations:</u>*
   1. *Complete and accurate scaled illustrations for each elevation of each structure on the site*
   2. *Primary exterior dimensions of all proposed structures*
   3. *All signage elevations, both structure-mounted and freestanding*
   4. *Style, color, and exterior construction materials of all proposed structures and signs*
   5. *Where several building types are proposed on the plan, such as apartments or commercial buildings, as separate sketch shall be prepared for each type*
   6. *Must be to a scale not smaller than ¼" = 1' (all other shall be approved by Planning Department staff)*
   7. *Proposed building and other material samples, in corresponding colors, must be included with submission NOTE: it is recommended that this requirement be fulfilled at the Preliminary Conference*

<u>SECTION 1101.9 – EXCEPTIONS</u>

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 1101.5 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.*
      i. *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.*

ii. *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.*
    1. *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.*
    2. *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.*
    3. *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.*

SECTION 1101.10 – FEES

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

$0.02 per ft² 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 ft² 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 $325.
The maximum fee for Development Review, regardless of project size, shall be $3250.

SECTION 1101.11 – 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 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.

SECTION 1101.12 – FINES AND PENALTIES

Any violation of the concepts, standards, and/or regulations outlined within Article 1101 may be punishable as provided by authority outlined in Article 101 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.

SECTION 1101.13 – 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.

SECTION 1101.14 – 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.

SECTION 1101.15 – 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, sentence, clause, and phrase of this Article shall remain and be in full force and effect.

SECTION 1101.16 – DEFINITIONS

For the purpose of Article 1101, Development Review, the meaning of terms used herein shall conform to the definitions found below. Unless defined herein, all words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Guidelines which employ the words 'should' or 'encouraged' or 'discouraged' are desirable but not mandatory. Alternative designs may be considered during Development Review.

Guidelines using the words 'shall' are mandatory and must be included in the project's design.

BLANK WALL – Any wall or portion of a wall which faces a public right-of-way that is without a ground level window, door, or I opening for a distance of twenty (20) feet in length or more.

CANOPY TREE – Those trees which commonly compose the uppermost layers of a forest. May be deciduous or evergreen in nature. All shall measure a minimum of two (2) inches by caliper at six (6) inches above ground level at the time of planting, and generally have a mature height of forty (40) to sixty (60) feet or more.

CROSS ACCESS – A service drive providing vehicular access between two or more continuous sites so the driver need not enter the public street system.

CURB CUT – An entrance used by vehicular traffic to access property abutting a public or private; may also be referred to as a "driveway."

CURB APPEAL – The first impression of a property as viewed from the street.

DEVELOPMENT – The carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land. (See also "Project"); also, a developed tract of land, especially those with structures on it.

DEVELOPMENT PLAN – (May be substituted with "site plan" or "site development plan"). Those documents which, once combined, provide the specific intent and design proposal for a given site's physical use. At a minimum, this shall include a Site Plan, Landscaping Plan, Grid Photometric Plot, and Exterior Architectural Elevations.

DRIVEWAY SHARING – A single driveway which serves two or more lots. A shared driveway may cross a lot line or be on the lot line, and the owners may have an easement for the shared use.

FAÇADE – Generally the face or front of a building, but can also be used to describe any exterior side of a building.

FAÇADE PLANE – The flat area of a façade which runs generally two dimensionally and terminates at a change in facet, angle, or direction.

FOOTCANDLE – A measurement of light level. It is equivalent to the light intensity made by one candle at a distance of one foot. One footcandle is equal to one lumen per square foot.

FULL CUT-OFF LUMINAIRE – A luminaire constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane of the luminaire. In addition, the luminous intensity (as measured in footcandles) emitted at any angle from eighty (80) degrees up to ninety (90) degrees shall not exceed a numerical value equal to ten percent (10%) of the overall lumen rating of the lamp (bulb), as reported in a photometric report from the manufacturer.

FULLY SHIELDED LUMINAIRE – A luminaire constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane of the luminaire.

GLARE – The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which can cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

GROSS FLOOR AREA – The total square footage of all covered floor area on all levels of all structures on a given site.

HARMONY – The quality of relating the visual elements of a composition. Achieved by repetition of characteristics that are the same or similar. These cohesive factors create pleasing interaction.

IMAGE ZONE – That area of an I-3 Intensive Industrial District development most visible to public rights-of-way, generally between the primary structure(s) and adjacent street(s), to include primary architectural façades. A thorough review of the Site Plan shall be conducted by the owner, project representatives, and members of the Planning Department, followed by a consultation of involved parties, in order to accurately define the Image Zone for each project.

IMPERVIOUS SURFACE – Not easily penetrated. The property of a material or soil that does not allow, or allows only with great difficulty, the movement or passage of water.

JOINT ACCESS – A single driveway which connects two or more adjacent sites to a public or private street.

LARGE-SCALE DEVELOPMENT – All planned projects consisting of five (5) acres or more of development, regardless of land use or construction schedule.

LIGHT POLLUTION – Any adverse effect of man-made light including but not limited to glare, light trespass, skyglow, visual clutter, wasted energy due to excessive or unnecessary lighting, or any man-made light that unnecessarily diminishes the ability to view the night sky or is disruptive to flora and fauna.

LIGHT TRESPASS – Light projected onto the property of another or into the public right-of-way when it is not required or permitted to do so.

LOT COVERAGE AREA – 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.

LUMINAIRE – The complete lighting assembly (including the lamp, housing, ballasts, photocells, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture. For purposes of determining total light output from a luminaire or light fixture, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

MASONRY – The building of structures from individual units, usually laid in and bound together by mortar. The common materials of masonry construction are brick, stone, concrete block, glass block, and tile, but may also include formed and poured concrete.

MIXED-USE – Developments which combine both commercial/office and residential uses or structures on a single lot or as components of a single development.

NONPOINT SOURCE (NPS) POLLUTION – The indirect or scattered sources of pollution that enter into streams, lakes, wetlands, and groundwater. Examples include, but are not limited to, drainage or runoff from agricultural fields, airborne pollution from cropdusting, and runoff from urban areas (streets and parking lots, rooftops and lawns, construction sites, etc.)

PERVIOUS SURFACE – Any ground surface, natural or engineered, which allows fluid to penetrate or pass through it without difficulty. Pre-engineered porous pavers and/or other forms

of pervious paving material shall be considered pervious. EXCEPTION: All forms of crushed stone and/or gravel.

PROJECT – An undertaking that encompasses a set of tasks or activities having a definable starting point and well defined objectives. Usually each task has a planned completion data (due date) and assigned resources. (See also "Development")

QUALITY OF LIFE – The level of enjoyment and fulfillment derived by humans from the life they live within their local economic, cultural, social, and environmental conditions. The feeling of wellbeing, fulfillment, or satisfaction resulting from factors in the external environments.

REGIONAL SCALE DEVELOPMENT – Projects of twenty-five (25) acres or more, regardless of land use, development schedule (phasing), or square footage of structures; to include outlots.

RIPARIAN CORRIDOR – Narrow strip of land, centered on a stream, that includes the floodplain as well as related riparian habitats adjacent to the floodplain. These areas have high water tables and support plants requiring saturated soils during all or part of the year.

SCREENING – The act of placing landscape features, such as trees, bushes, shrubs, or man-made screens, such as fences, walls, or berms, to reduce the visual impact of a development on nearby properties. Any and all screening measures shall be of sufficient height and/or density to prevent the view of the screened items and/or areas from traffic on all adjacent streets and sidewalks, and from any residential properties.

SIGNIFICANT TREES – A tree with a trunk diameter of twenty-four (24) or more inches for large species (i.e. Oak), eighteen (18) inches for slow-growing or medium-sized species, and eight (8) inches or more for small species (i.e. Redbud). The Planning Director, with assistance from the University of Arkansas Agricultural Extension Office, shall make the final determination as to the "significance" of any trees on a given site.

SITE AMENITIES – Any feature of real property that enhances its attractiveness and increases the occupant's or user's satisfaction although the feature is not essential to the property's use. Natural amenities include a pleasant or desirable location near water, scenic views, mature trees, creeks, riparian corridors, etc. Human-made amenities include swimming pools, tennis courts, community buildings, and other recreational facilities.

SITE AREA – Total of all surface areas found within the boundary of a given site; may be calculated as square footage (ft^2) or acreage.

SKYGLOW – The overhead glow from light emitted sideways and upwards, including light reflected upward from the ground or other surfaces. Skyglow is caused by the reflection and scattering of various forms of light by dust, water, and other particles suspended in the atmosphere. Among other effects, skyglow reduces one's ability to view the night sky. Different sources of light, in equal quantities, can contribute differently to sky glow.

STREETSCAPE – The space between the buildings on either side of a street that defines its character. Formed by the location of physical features such as buildings, pedestrian, cycling and vehicular facilities and landscaping.

UNDERSTORY TREE – Those trees which commonly grow in the zone between a forest canopy and the forest ground cover, and may be deciduous or evergreen in nature. All shall

measure a minimum of two (2) inches by caliper at six (6) inches above ground level at the time of planting will not generally exceed thirty (30) feet in height.

VEGETATION – The structure, cover and species composition of the plants of an area

ARTICLE 1201

CONTROL OF SEXUALLY ORIENTED BUSINESSES

SECTION 1201.1 – PURPOSE

It is the purpose of this code to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment; or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

SECTION 1201.2 – DEFINITIONS

For the purposes of this Article, the definitions in this Section shall apply.

ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE or ADULT VIDEO STORE means a commercial establishment that, as its principal business purpose, offers for sale or rental for any form of consideration any one or more of the following:

(1) books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other photographic or visual representations in any format that depict or describe "specified sexual activities" or "specified anatomical areas"; or

(2) instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

The determination of the principal business purpose of an establishment is based on the visual inventory or commercial activity of the establishment; provided, there shall be a rebuttable presumption that any commercial establishment which utilizes more than ten percent (10%) of total display area for merchandise in open display of any type described in this definition shall be deemed to be engaged in the business of an adult bookstore or adult video store as its principal business purpose. However, any establishment which utilizes no more than thirty percent (30%) of total display area in a physically separated section, area, or "back room" with controlled access prohibiting admittance to persons under eighteen (18) years of age and which do not advertise or promote the adult merchandise therein either on the exterior or interior of the establishment shall not be deemed to be engaged in the business of an adult bookstore or adult video store as its principal business purpose.

<u>ADULT CABARET</u> means a nightclub, bar, restaurant, or similar commercial establishment that presents:

(1) persons who appear in a state of nudity or semi-nudity; or

(2) films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

(3) live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(4) live performances that are characterized by the display of any portion of the female breast or any portion of the human buttocks.

<u>ADULT MOTEL</u> means a hotel, motel or similar commercial establishment that:

(1) offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic or visual reproductions in any format that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and advertises on the exterior of the establishment the availability of this type of adult photographic reproductions; or

(2) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(3) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

<u>ADULT MOTION PICTURE THEATER</u> means commercial establishments where, as its principal business purpose, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic or visual reproductions in any format are presented that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

<u>ADULT SEX SHOP</u> means a commercial establishment offering goods for sale or rent and that meets any of the following tests:

(1) The establishment offers for sale items from any of the following categories: (a) adult media, as set out in the definition of adult book store or adult video store above, (b) leather goods, clothing, or other items marketed or presented in a context to suggest their use for sadomasochistic practices, or (c) any merchandise, toy, or novelty which is marketed or presented inside or on the exterior of the establishment in a manner that depicts nudity, specified anatomical areas, or specified sexual activities; and the open display of any or all such items occupies more than ten percent (10%) of its total display area. However, any establishment which utilizes no more than thirty percent (30%) of total display area in a physically separated section, area, or "back room" with controlled access prohibiting admittance to persons under eighteen (18) years of age and which do not advertise or promote the adult merchandise therein either on the exterior or interior of the establishment shall not be deemed to be engaged in the business of an adult sex shop.

The establishment offers for sale sexually oriented toys or novelties in open display except that when the sexually oriented toys or novelties are merchandised in a manner which utilizes no more than thirty percent (30%) of total display area in a physically separated section, area, or "back room" with controlled access prohibiting admittance to persons under eighteen (18) years of age and which do not advertise or promote the adult merchandise therein either on the exterior or in the interior of the establishment shall not be deemed to be engaged in the business of an adult sex shop.

ADULT THEATER means a theater, hall, auditorium, room or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity, semi-nudity and/or live performances that are characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

ADULT VIDEO-VIEWING BOOTH OR ADULT ARCADE BOOTH means any booth, cubicle, stall, room, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting photographs, films, motion pictures, video cassettes or video reproductions, slides, or other photographic or visual representations in any format that depict or describe "specified sexual activities" or "specified anatomical areas" for observations by patrons therein. A video viewing booth or arcade booth shall not mean a theater, motion picture theater, room or enclosure or portion thereof that contains more than six hundred (600) square feet.

CHIEF means the Chief of Police of the City of Conway, Arkansas and such employee of the police department as he may designate to perform the duties of the Chief under this ordinance.

CLEAR AND CONVINCING means evidence so clear, direct and convincing as to enable the Chief to come to a clear conviction as to the allegations sought to be established.

EMPLOYEE means a person who performs any service on the premises of a sexually oriented business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person on the premises for repair, maintenance or cleaning of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

ESCORT means a person who, for monetary consideration, agrees or offers to act as a companion, guide, or date for another person, or who, for monetary consideration, agrees or offers to model lingerie or to engage in a "specified sexual activity" and/or perform in a state of nudity or semi-nudity for another person off the premises of a sexually oriented business.

ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT means and includes any of the following:

(1) the opening or commencement of any sexually oriented business as a new business;

(2) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(3) the addition of any sexually oriented business to any other existing sexually oriented business; or

(4) the relocation of any sexually oriented business.

INTENTIONALLY means that it was the conscious object of the person to engage in the conduct alleged, or to cause the result alleged.

KNOWINGLY means that the person was aware that his conduct was of the nature alleged, or that he was aware that it was practically certain that his conduct would cause the result alleged, or that he consciously disregarded a substantial risk that his conduct would cause the result alleged or that the result alleged would occur.

LICENSED DAY-CARE CENTER means a facility licensed by the State of Arkansas, whether situated within the City or not, that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

LICENSEE means a person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

LINGERIE MODELING STUDIO means a commercial establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups for consideration in a room smaller than six hundred (600) square feet, with the exception of those persons and places exempted by Section 1201.25 of this Ordinance.

NUDE MODEL STUDIO means a commercial establishment where a person who appears in a state of nudity or semi-nudity, or who displays "specified anatomical areas", to individuals, couples, or small groups for consideration in a room smaller than six hundred (600) square feet, with the exception of those persons and places exempted by Section 1201.25 of this Ordinance.

NUDITY or a STATE OF NUDITY means the showing of any "specified anatomical area."

OPEN DISPLAY means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it maybe readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the parking lot or the parking spaces, or from the property of others, or from the exterior of the establishment in any manner, or from any portion of the premises where items and materials other than those regulated by the ordinance are on display to the public.

OPERATOR means any person in a supervisory capacity over employees and/or contractors, excluding maintenance, delivery or cleaning personnel, at the sexually oriented business, and any person responsible for security and/or any entrance/exit of the sexually oriented business.

PERSON means an individual, proprietorship, limited partnership, general partnership, corporation, association, limited liability company, or other legal entity.

PREMISES means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control or supervision of the licensee, as described in the application for a business license pursuant to Section 1201.4 of this ordinance.

SADOMASOCHISTIC PRACTICES means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound or otherwise physically restrained on the part of one clothed or naked.

SEMI-NUDE OR SEMI-NUDITY means the appearance of any part of the female areola or nipple, or the showing of the perineum anal region, in anything less than a fully opaque covering.

SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult sex shop, adult theater, escort agency, lingerie model studio, nude model studio, or sexual encounter center.

SEXUALLY ORIENTED TOYS OR NOVELTIES means instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

SPECIFIED ANATOMICAL AREAS means:

(1) the human genitals or anus less than completely and opaquely covered.

(2) the human male genitals in a discernibly turgid state, even if fully and opaquely covered.

SPECIFIED CRIMINAL ACTIVITY means carnal abuse; rape; sexual abuse; violation of a minor; sexual misconduct; sexual solicitation of a minor; sodomy; prostitution; promotion of prostitution; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; and/or patronizing prostitution; in the case of any such conviction, it will constitute specified criminal activity if:

(1) less than (1) year has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or

(2) less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense.

The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant, with the exception of a de novo appeal from Municipal Court to Circuit Court. In the case of a de novo appeal from Municipal Court to Circuit Court, a disqualification is not effective until such time as there is a conviction in Circuit Court. Should a conviction be reversed on appeal or in the case of a de novo appeal from Municipal Court to Circuit Court, should the Circuit Court fail to convict, then there is no "conviction" for purposes of this ordinance.

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

(1) any act of sexual gratification involving the touching by one person, either directly or through clothing, of the specified anatomical areas or buttocks of another person.
(2) any act of sexual gratification involving the touching by one person, either directly or through clothing, of the female breast of another person;
(3) intercourse, oral copulation, or sodomy, whether actual or simulated;
(4) masturbation, actual or simulated; or
(5) excretory functions as part of or in connection with any of the activities set forth in (1) through (4) above.

SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the effective date of this Ordinance.

TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business means and includes any of the following:

(1) the sale, lease or sublease of the business;
(2) the transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or
(3) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SECTION 1201.3 – CLASSIFICATION

The following types of businesses are classified as sexually oriented businesses:

(1) adult arcades;
(2) adult bookstores or adult video stores;
(3) adult cabarets
(4) adult motels
(5) adult motion picture theatres
(6) adult sex shops
(7) adult theaters
(8) escort agencies
(9) lingerie model studios
(10) nude model studios
(11) sexual encounter centers.

SECTION 1201.4 – LICENSE REQUIRED

(A) It shall be unlawful:

(1) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Chief pursuant to this ordinance;

(2) For any person who operates a sexually oriented business to employ a person to work and/or perform services on the premises of the sexually oriented business, if such employee is not in possession of a valid sexually oriented business employee license issued to such employee by the Chief pursuant to this ordinance;

(3) For any person to obtain employment with a sexually oriented business if such person is not in possession of a valid sexually oriented business employee license issued to such person by the Chief pursuant to this ordinance.

(4) It shall be a defense to subsections (A)(2) and (A)(3) of this Section if the employment is of limited duration and for the sole purpose of repair, maintenance and/or cleaning of machinery, equipment, or the premises.

(5) Any person convicted of the violation of any provision within this subsection shall be subject to the general penalties as set out in Section 1.32.01 of the Conway Municipal Code.

(B) An application for a sexually oriented business license must be made on a form provided by the City. Except for a sexually oriented business lawfully operating on the date this Ordinance is enacted, the application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Prior to issuance of a license, the premises must be inspected by the fire department and code enforcement department.

(C) An application for a sexually oriented business employee license must be made on a form provided by the City.

(D) All applicants for a license must be qualified according to the provisions of this ordinance. The application may request, and the applicant shall provide, such information as to enable the City to determine whether the applicant meets the qualifications established under this ordinance. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.

(E) If a person who wishes to own or operate a sexually oriented business is an individual, he must sign the application for a business license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, a representative of the partnership, corporation or limited liability company must sign the application for a business license as applicant.

(F) Applications for a business license, whether original or renewal must be made to the Chief. Applications must be submitted to the office of the Chief or the Chief's designee during regular working hours. Application forms shall be supplied by the Chief, and shall only request the following information:

(1) The name, street address (and mailing address if different) of the applicant(s).

(2) A recent photograph of the individual or representative submitting the application form.

(3) The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number;

(4) The name under which the establishment is to be operated and a general description of the services to be provided;

(a) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state the sexually oriented business's fictitious name;

(5) Whether the applicant has been convicted or is awaiting trials on pending charges, of a "specified criminal activity" as defined in Section 1201.2, and, if so, the "specified criminal activity" involved, the date, place, and jurisdiction of each;

(6) Whether the applicant has had a previous license under this ordinance or other similar sexually oriented business ordinance from another city, county or state or political subdivision denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation or a member of a limited liability company that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended, or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(7) Whether the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from another city or county in this or any other state and, if so, the names and locations of such other licensed businesses;

(8) The single classification of the license, as found in Section 1201.3 for which the applicant is filing;

(9) The telephone number of the establishment;

(10) The address, and legal description of the tract of land on which the establishment is to be located;

(11) If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the business license is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the business license is sought;

(12) If the establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance of the business license). If the expected startup date is to be more than ten (10) days following the date of issuance of the business license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same;

(G) Each application for a business license shall be accompanied by the following:

(1) Payment of the application fee in full;

(2) If the establishment is an Arkansas corporation, limited liability company or limited partnership, a certificate of good standing issued by the office of the Secretary of State of Arkansas;

(3) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state;

(4) Except for a sexually oriented business lawfully operating on the date this Ordinance is enacted, a current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 1,000 feet of the following types of property: the property lines of any established church; public or private elementary, secondary or post-secondary school; public park; licensed day care center; and entertainment

business that is oriented primarily towards children within 1,000 feet of the property to be certified and; the property lines of any established residential district within 500 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

(5) Any of the items (G)(2) through (G)(4) shall not be required for a renewal application if the sexually oriented business was lawfully operating at the time this Ordinance was enacted or the applicant states that the documents previously furnished the Chief with the original application or previous renewals thereof remain correct and current.

(H) Applications for an employee license to work and/or perform services in a sexually oriented business, whether original or renewal, must be made to the Chief by the person or a designated representative of the person to whom the employee license shall issue, except as otherwise provided in this Ordinance. Applications transmitted by facsimile will be accepted for this purpose. Each application for an employee license shall be accompanied by proof of payment of the application fee in full. A photocopy of the check or money order will be accepted for this purpose if transmitting the application by facsimile, so long as payment is actually received within five (5) working days. Application forms shall be supplied by the Chief. Applications must be submitted to the office of the Chief or the Chief's designee. Each applicant shall be required to give only the following information on the application form:

(1) The applicant's given name, and any other names by which the applicant is or has been known, including "stage" names and/or aliases;

(2) Age, and date and place of birth;

(3) Height, weight, hair color and eye color;

(4) Present residence address and telephone number;

(5) Present business address and telephone number;

(6) Date, issuing state, and number of driver's license, or other identification card information;

(7) Social Security Number; and

(8) Proof that the individual is at least eighteen (18) years old.

(I) Attached to the application form for an employee license to work and/or perform services in a sexually oriented business shall be the following:

(1) A color photograph of the applicant clearly showing the applicant's face. If application is made by facsimile, the photograph does not have to be a color photograph, but the color photograph shall be submitted within five (5) days.

(2) A statement whether the applicant has been convicted of a "specified criminal activity" as defined in Section 1201.2, and if so, the "specified criminal activity" involved, the date, place and jurisdiction of each.

(J) Every application for a license shall contain a statement under oath that the applicant has personal knowledge of the information contained in the application, that the information contained therein and furnished therewith is true and correct, and that the applicant is aware of the requirements of this Ordinance.

(K) A separate application and business license shall be required for each sexually oriented business classification as set forth in Section 1201.3.

(L) The fact that a person possesses other types of state or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business or employee license.

SECTION 1201.5 – ISSUANCE OF LICENSE

(A) Upon the filing of an application for a sexually oriented business employee license, the Chief shall issue a temporary license to said applicant. In the case of an application filed by facsimile transmission, proof of the facsimile transmittal shall suffice as a temporary license until the actual temporary license is issued. The application shall then be referred to the appropriate City departments for investigation to be made on the information contained in the application. The application process shall be completed within thirty (30) days from the date of the completed application. After the investigation, the Chief shall issue an employee license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) The applicant and/or the applicant's representative has intentionally failed to provide the information reasonably necessary for issuance of the license or has intentionally answered falsely a material question or request for information on the application form;

(2) The applicant is under the age of eighteen (18) years;

(3) The applicant has been convicted of a "specified criminal activity" as defined in Section 1201.2 of this Ordinance;

(4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this Ordinance; or

(5) The applicant has had a sexually oriented business employee license revoked by the City within one (1) year of the date of the current application.

In the event that the Chief determines preliminarily that an applicant is not eligible for a sexually oriented business employee license, the applicant shall be given notice in writing as set forth in Section 1201.26 by certified mail, return receipt requested, of each of the above reasons which support such preliminary denial within thirty (30) days of the receipt of the completed application by the Chief. The applicant shall have ten (10) days after receipt of the notice to make modifications necessary for purposes of complying with this Section and to reapply for a sexually oriented business employee license. After ten (10) days, the denial will become final unless such modification and reapplication is made by the applicant. However, if additional time is shown by the applicant to be reasonably necessary to comply with this Section, the Chief may grant an extension, not to exceed an additional thirty (30) days. Upon receipt of modifications and reapplication by the Chief, the Chief shall issue an employee license, unless it is determined by a preponderance of the evidence that the modifications fail to remedy the original basis for the preliminary denial by the Chief. If such determination is made by the Chief, the Chief again must give notice in writing as set forth in Section 1201.26 by certified mail, return receipt requested, to the applicant of the reasons for the denial, and said denial is final and appealable.

A final denial, suspension, or revocation by the Chief of a license issued pursuant to this Section shall be subject to the same rights as those set forth in Subsection (I) of this Section.

(B) A license issued pursuant to Subsection (A) of this Section, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. The employee shall keep the license available for inspection at the establishment upon lawful request at all times while engaged in employment or performing services on the sexually oriented business premises.

(C) A license issued pursuant to subsection (A) of this Section shall be subject to annual renewal upon the written application of the applicant and a written finding determined by a preponderance of the evidence by the Chief that the applicant has not been convicted of any "specified criminal activity" as defined in this Ordinance, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew an employee license shall be made within thirty (30) days of the completed application. The renewal of a license shall be subject to the fee as set forth in Section 1201.6. The non-renewal of a license shall be subject to the same notice, modification and reapplication, and appeal rights as set forth elsewhere in this Section.

(D) If application is made for a sexually oriented business license, the Chief shall approve or deny issuance of the license within forty-five (45) days of receipt of the completed application. The Chief shall issue a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) An applicant has intentionally failed to provide the information reasonably necessary for issuance of the license or has intentionally answered falsely a material question or request for information on the application form;

(2) An applicant is under the age of eighteen (18) years;

(3) An applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business. An applicant denied a license on this basis will have all rights and remedies set forth in Section 1201.5 (H) to attempt to remedy any such deficiency and reapply for a license;

(4) An applicant has been convicted of a "specified criminal activity" as defined in Section 1201.2;

(5) Except for a sexually oriented business lawfully operating on the date this Ordinance is enacted, the premises to be used for the sexually oriented business do not comply with the location restrictions set forth in Section 1201.14;

(6) The premises to be used for the sexually oriented business have not been approved by the fire department and the code enforcement department as being in compliance with applicable laws and ordinance;

(7) An applicant has been finally denied, after opportunity to exercise due process rights, a license by the City to operate a sexually oriented business for any of the above listed reasons within the preceding twelve (12) months, or his license to operate a sexually oriented business has been finally revoked, after opportunity to exercise due process rights, for any of the reasons listed in Section 1201.10 or Section 1201.11 within the preceding twelve (12) months.

(E) A license issued pursuant to Subsection (D) of this Section, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business, and the Section 1201.3 classification for which the license is issued. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(F) The fire department and code enforcement department shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the completed application by the Chief. The certification shall be promptly presented to the Chief.

(G) A sexually oriented business license shall issue for only one classification, as set forth in Section 1201.3.

(H) In the event that the Chief determined preliminarily that an applicant is not eligible for a sexually oriented business license, the applicant shall be given notice in writing by certified mail, return receipt requested, of each of the above reasons which support such preliminary denial within forty-five (45) days of the receipt of the completed application by the Chief. The applicant shall have ten (10) days after receipt of the notice to make modifications necessary for purposes of complying with this Section and to reapply for a sexually oriented business license. After ten (10) days, the denial will become final unless such modification and reapplication is made by the applicant. However, if additional time is shown by the applicant to be reasonably necessary to comply with this Section, the Chief may grant an extension, not to exceed an additional thirty (30) days. Upon receipt of modifications and reapplication by the Chief, the Chief shall issue a license, unless it is determined by a preponderance of the evidence that the modifications fail to remedy the original basis for the preliminary denial by the Chief. If such determination is made by the Chief, the Chief again must give notice in writing by certified mail, return receipt requested, to the applicant of the reasons for the denial, and said denial is final and appealable.

(I) An applicant may appeal the decision of the Chief regarding a final denial to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after service of notice upon the applicant of the Chief's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Chief may, within fifteen (15) days of service upon him of the applicant's memorandum, submit a memorandum in response to the memorandum filed by the applicant on appeal to the City Council. After reviewing such memoranda, as well as the Chief's written decision, if any, and exhibits submitted to the Chief, the City Council shall vote either to uphold or overrule the Chief's decision. Such vote shall be taken within twenty-one (21) calendar days after the date on which the City Clerk receives the notice of appeal. Judicial review of a denial by the Chief and the City Council may be made pursuant to Section 1201.12 of this Ordinance. During the pendency of any appeal, the parties shall maintain the status quo unless in the interim, a court issues an injunction pursuant to Section 1201.27.

(J) A license issued pursuant to Subsection (D) of this Section shall be subject to annual renewal upon the written application of the applicant and a written finding determined by a preponderance of the evidence by the Chief that the applicant has not been convicted of any "specified criminal activity" as defined in this Ordinance, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a business license shall be made within forty-five (45) days of the completed application. The renewal of a license shall be subject to the fees as set forth in Section 1201.6.

Any determination by the Chief with respect to the renewal of a sexually oriented business license must conform to the duties and rights set forth in Section 1201.5 (H). Furthermore, the applicant for a renewal of a license shall have the same rights with respect to renewal as those set forth in Section 1201.5 (I). During the pendency of any appeal, the parties shall maintain the status quo unless in the interim, a court issues an injunction pursuant to Section 1201.27.

<u>SECTION 1201.6 – FEES</u>

The annual fee for a sexually oriented business license, whether new or renewal is two hundred fifty dollars ($250.00). The annual fee for a sexually oriented business employee license, whether new or renewal is twenty-five dollars ($25.00). These fees are to be used to pay for the cost of the administration and enforcement of this ordinance.

<u>SECTION 1201.7 – INSPECTION</u>

(A) An applicant or licensee shall permit representatives of the police department, fire department, code enforcement department, or other City or state departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is open for business.

(B) No person who operates a sexually oriented business nor his agents or employees shall refuse to promptly permit such lawful inspection of the premises.

(C) A person convicted of violation of this Section shall be subject to the penalties set out in Section 1.32.01 of the Conway Municipal Code.

<u>SECTION 1201.8 – EXPIRATION OF LICENSE</u>

(A) Each business license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 1201.4, and by payment of the fee set forth in Section 1201.6. Upon filing of an application for renewal of a business license, the existing business license shall remain in effect until a final determination on the application for renewal is made as set forth in Section 1201.5 (J).

(B) Each sexually oriented business employee license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 1201.4, and by payment of the fee set forth in Section 1201.6. Upon filing an application for renewal of a business employee license, the existing license shall remain in effect until a final determination on the application for renewal is made as set forth in Section 1201.5 (J).

(C) The applicant shall not be issued a license for one year from the date of a final denial if such denial is not appealed, or for one year from the date of a final determination by the appropriate appeals tribunal if the denial is appealed and is upheld on that appeal.

Any determination with respect to the renewal of a license must conform to the duties and rights set forth in Section 1201.5 of this Ordinance.

SECTION 1201.9 – ASSESSMENT OF FINES

The Chief shall fine a business licensee and/or any person who is an operator, as the case may be, in the amount of two hundred fifty dollars ($250.00) for each offense where he determines by clear and convincing evidence that:

(1) A business licensee or an individual operator knew or should have known of the possession, use or sale of controlled substances in the establishment;

(2) A business licensee or an individual operator knew or should have know of the sale, use or consumption of alcoholic beverages in the establishment;

(3) A business licensee or an individual operator knew or should have known of nudity or "specified sexual activities" occurring in the establishment; or

(4) A business licensee or an individual operator knew or should have known of a person under eighteen (18) years of age entering the establishment.

It is not the intent of this Ordinance for the Chief to impose a fine upon a business licensee for the occurrence of incidents outside the actual knowledge of the business licensee.

If the business licensee or the same individual operator of a sexually oriented business is fined (and such fine(s) are upheld after judicial review pursuant to Section 1201.12) for the same offense three times or more, and the dates of these offenses have occurred within a twelve (12) month period, the business licensee or the individual operator, as the case may be, shall be suspended in accordance with Section 1201.10. For purposes of Sections 1201.9, 1201.10 and 1201.11, multiple incidents of the same nature which would constitute a violation of any of the provisions set forth in (1) through (4) above, shall be considered as only one (1) offense if they occur within the same business day.

In the event that the Chief determines that one of the above described offenses has occurred and determines that the assessment of a fine against the business licensee or an individual operator is appropriate, the Chief must give notice in writing by certified mail, return receipt requested, of each of the above reasons which support the assessment of a fine, including the date or dates which each such incident occurred. Such notice shall be given within thirty (30) days of the incident or incidences for which the business is being cited, or within thirty (30) days of the conclusion of the Chief's investigation, whichever is earlier.

A licensee may appeal the decision of the Chief regarding the assessment of a fine to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after service of notice upon the licensee of the Chief's decision. The notice of appeal shall be

accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Chief may, within fifteen (15) days of service upon him of the licensee's memorandum, submit a memorandum in response to the memorandum filed by the licensee on appeal to the City Council. After reviewing such memoranda, as well as the Chief's written decision, if any, and exhibits submitted to the Chief, the City Council shall vote either to uphold or overrule the Chief's decision. Such a vote shall be taken within twenty-one (21) calendar days after the date on which the City Clerk receives the notice of appeal. Judicial review of a fine by the Chief and City Council may be made pursuant to Section 1201.12 of this Ordinance.

Furthermore, judicial review of a suspension by the Chief and City Council may be made pursuant to Section 1201.12 of this Ordinance. During the pendency of the appeal, the status quo shall be maintained such that the licensee shall continue to be allowed to operate its business pursuant to its license and pursuant to this Ordinance. This Section in no way is intended to replace or substitute for other criminal penalties which may apply under local, state or federal law for any of the activities enumerated above.

<u>SECTION 1201.10 – SUSPENSION</u>

The Chief shall suspend the license of a business licensee and/or any person who is an operator, as the case may be, for a period not to exceed thirty (30) days if he determines by clear and convincing evidence that:

(1) a business licensee intentionally answered falsely a material question or request for information during the application process;

(2) a business licensee or an individual operator is convicted of a "specified criminal activity" on a charge that was pending prior to the issuance of the license;

(3) a business licensee or an individual operator has, with knowledge, permitted prostitution on the premises;

(4) a business licensee or an individual operator has been fined for the same offense, of those offenses listed in Section 1201.9, three times or more, and the dates of those offenses occurred within a twelve (12) month period; or

(5) a business licensee or an individual operator is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business. A licensee found in violation in this regard will have all rights and remedies set forth in Section 1201.5 (H) to attempt to remedy any such deficiency before any suspension of the license may occur.

If a business licensee is suspended by the Chief more than one time in a twelve (12) month period, the license shall be revoked in accordance with Section 1201.11.

In the event that the Chief determines that one of the above described incidents has occurred, and determines that suspension of the business license is appropriate, the Chief must give notice in writing by certified mail, return receipt requested, of each of the above reasons which support the suspension of the business license, including the date or dates when each such

incident occurred. Such notice shall be given within thirty (30) days of the incident or incidences for which the business is being cited, or within thirty (30) days of the conclusion of the Chief's investigation, whichever is earlier.

A licensee may appeal the decision of the Chief regarding a suspension to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after service of notice upon the licensee of the Chief's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Chief may, within fifteen (15) days of service upon him of the licensee's memorandum, submit a memorandum in response to the memorandum filed by the licensee on appeal to the City Council. After review such memoranda, as well as the Chief's written decision, if any, and exhibits submitted to the Chief, the City Council shall vote either to uphold or overrule the Chief's decision. Such a vote shall be taken within twenty-one (21) calendar days after the date on which the City Clerk receives the notice of appeal.

Judicial review of a suspension by the Chief and City Council may be made pursuant to Section 1201.12 of this Ordinance. During the pendency of the appeal, the status quo shall be maintained such that the licensee shall continue to be allowed to operate its business pursuant to its license and pursuant to this Ordinance.

SECTION 1201.11 – REVOCATION

The Chief shall revoke a license for one (1) year from the date the revocation becomes effective if he determines that any of the grounds for suspension set forth in Section 10 is proven by clear and convincing evidence, and that the license has already been suspended within the preceding twelve (12) months; or that the business operated while its license was suspended.

A licensee may appeal the decision of the Chief regarding a revocation to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after service of notice upon the licensee of the Chief's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Chief may, within fifteen (15) days of service upon him of the licensee's memorandum, submit a memorandum in response to the memorandum filed by the licensee on appeal to the City Council. After reviewing such memoranda, as well as the Chief's written decision, if any, and exhibits submitted to the Chief, the City Council shall vote either to uphold or overrule the Chief's decision. Such a vote shall be taken within twenty-one (21) calendar days after the date on which the City Clerk receives the notice of appeal.

Judicial review of a revocation by the Chief and City Council may be made pursuant to Section 1201.12 of this Ordinance. During the pendency of the appeal, the status quo shall be maintained such that the licensee shall continue to be allowed to operate its business pursuant to its license and pursuant to this Ordinance.

SECTION 1201.12 – JUDICIAL REVIEW

After denial of an initial or renewal application by the Chief and City Council, or upon a fine, suspension or revocation by the Chief and City Council, the applicant or licensee may seek judicial review in any court of competent jurisdiction. The rules and procedures for such appeal are modeled on Rule 9 of the Arkansas Inferior Court Rules. Those Rules provide as follows:

(1) Time for taking appeal. All appeals from the City Council to a court of competent jurisdiction must be filed in the office of the Clerk of the particular Court having jurisdiction of the appeal within thirty (30) days from the date of the vote by the City Council.

(2) How taken. An appeal from the City Council to a Court of competent jurisdiction shall be taken by filing the record of the findings and proceedings of the Chief and the City Council, to the extent such a record is available. It shall be the duty of the City Clerk to prepare and certify such record when requested by the appellant, and upon payment of any fees authorized by law therefore. The appellant shall have the responsibility of filing such record in the office of the Clerk of the Court of competent jurisdiction.

(3) No record available. When the City Clerk neglects or refuses to prepare and certify a record for filing in a Court of competent jurisdiction, the person desiring an appeal may perfect the appeal on or before the 30th day from the date of the vote by the City Council by filing an Affidavit in the office of the Clerk of the Court of competent jurisdiction showing that he has requested the City Clerk to prepare and certify the records for purposes of appeal, and that the City Clerk has neglected to prepare and certify such records for purposes of appeal. A copy of such Affidavit shall be promptly served upon the City Clerk and upon the adverse party.

SECTION 1201.13 – NO TRANSFER OF LICENSE

A licensee shall not transfer his/her license to any person who has not obtained a license, nor shall a business licensee operate a sexually oriented business under the authority of a sexually oriented business license at any place other than the address designated in the application. This section is not intended to prevent a business licensee from being allowed to sell, assign or transfer ownership or control of his/her business to another person already possessing a valid sexually oriented business license. It is intended only to prevent the sale, assignment, or transfer of ownership or control of a license by the licensee, or of the business to a non-licensee.

SECTION 1201.14 – LOCATION RESTRICTIONS

Sexually oriented businesses not already lawfully operating on the effective date of this Ordinance shall be permitted only in ~~zoning districts C-3 Highway Service & Open Display Districts and~~ zoning district I-3 Intensive Industrial District, subject to the following:

(1) the sexually oriented business may not be operated within:

(a) one thousand (1,000) feet of a church;

(b) one thousand (1,000) feet of a public or private elementary, secondary or post-secondary school;

(c) one thousand (1,000) feet of a public park;

(d) one thousand (1,000) feet of a licensed day-care center;

(e) one thousand (1,000) feet of an entertainment business that is oriented primarily toward children;

(f) five hundred (500) feet of a boundary of any residential district; or

(g) one thousand (1,000) feet of another sexually oriented business.

(A) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business classified pursuant to Section 1201.3.

(B) For the purpose of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property of the premises where sexually oriented business is conducted, to the nearest property line of a church; public or private elementary, secondary or post-secondary school; public park; licensed day care center; entertainment business that is oriented primarily toward children; boundary of any residential district or other sexually oriented business.

SECTION 1201.15 – ADDITIONAL REGULATIONS FOR ADULT MOTELS

(1) Evidence that a sleeping room in a hotel, motel, or a similar commercial enterprise has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this Ordinance.

(2) A person in control of an adult motel must have a sexually oriented business license or be subject to penalties as set forth below.

(3) For purposes of Subsection (B) of this Section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

(4) Any person convicted of the violation of Subsection (B) of this Section shall be subject to the general penalties as set out in Section 1.32.01 of the Conway Municipal Code.

SECTION 1201.16 – ADDITIONAL REGULATIONS FOR ESCORT AGENCIES

(1) An escort agency shall not employ any person under the age of eighteen (18) years.

(2) An escort agency may not provide or agree to provide an escort or escort service to any person under the age of eighteen (18) years.

(3) A person shall not act as an escort or agree to act as an escort to any person under the age of eighteen (18) years.

(4) A person convicted of a violation of any provision of this Section shall be subject to the general penalties as set out in Section 1.32.01 of the Conway Municipal Code.

SECTION 1201.17 – ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY

(1) A person shall not appear in person in a state of nudity or semi-nudity in a sexually oriented business.

(2) A person shall not engage in any specified sexual activity in a sexually oriented business.

(3) A person convicted of the violation of any provision of this Section shall be subject to the penalties as set out in Section 1.32.01 of the Conway Municipal Code.

SECTION 1201.18 – TYPES OF SEXUALLY ORIENTED BUSINESSES PROHIBITED

The following types of sexually oriented business are prohibited:

(1) adult arcades

(2) adult cabarets of less than six hundred (600) square feet of floor space

(3) adult theaters less than six hundred (600) square feet in floor space

(4) adult motion picture theatres with less than six hundred (600) square feet of floor space

(5) lingerie model studios

(6) nude model studios

(7) sexual encounter centers

SECTION 1201:19 – VIDEO-VIEWING BOOTHS OR ARCADE BOOTHS

Except for adult motels, adult video-viewing booths or adult arcade booths are prohibited in any establishment.

SECTION 1201.20 – EXTERIOR PORTIONS OF AND SIGNAGE

(A) No owner or operator of a sexually oriented business shall allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

(B) No owner or operator of a sexually oriented business shall allow the exterior portion of the sexually oriented business to have any photographs of any person in a state of nudity or engaged in any "specified sexual activity," nor shall such owner or operator allow the exterior portion of the sexually oriented business to have any pictorial or other representations of any kind of any person in a state of nudity or engaging in any "specified sexual activity."

(C) Notwithstanding any other City ordinance, code, or regulation to the contrary, the operator of any sexually oriented business or any other person shall not erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.

(D) Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:

(1) conform with the City's sign code;

(2) be a flat plane, rectangular in shape; and

(3) not exceed sixty-four (64) square feet in area.

(E) Primary signs shall contain no photographs, and shall contain no pictorial or other representations of any kind of any person in a state of nudity or engaging in any "specified sexual activity."

(F) Secondary signs shall have no more than one (1) display surface. Such display surface shall:

(1) conform with the City's sign code;

(2) be a flat plane, rectangular in shape;

(3) not exceed twenty (20) square feet in area;

(4) not exceed five (5) feet in height and four (4) feet in width; and

(5) be affixed or attached to any wall or door of the enterprise.

(G) The provisions of Subsection I above shall also apply to secondary signs.

(H) A person convicted of the violation of any provision of this Section shall be subject to the penalties as set out in Section 1.32.01 of the Conway Municipal Code.

SECTION 1201.21 – SALE, USE OR CONSUMPTION OF ALCOHOLIC BEVERAGES

(A) The sale, use or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.

(B) A person convicted of the violation of this Section shall be subject to the penalties as set out in Section 1.32.01 of the Conway Municipal Code.

SECTION 1201.22 – PERSONS YOUNGER THAN EIGHTEEN PROHIBITED FROM ENTRY; ATTENDANT REQUIRED

(A) No person shall allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.

(B) It shall be the duty of the business licensee and/or operator of each sexually oriented business to ensure than an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years of age from entering the sexually oriented business. It shall be a rebuttable presumption that a person knew a person was under the age of eighteen (18) unless the attendant asked for and was furnished;

(1) a valid operator's, commercial operator's, or chauffeur's driver's license issued by any state reflecting that such person is eighteen (18) years of age or older; or

(2) a valid personal identification certificate issued by any state reflecting that such person is eighteen (18) years of age or older.

(C) It shall be unlawful for any person under the age of eighteen (18) years to misrepresent such person's age for the purpose of entering the premises of a sexually oriented business at any time the sexually oriented business is open for business.

(D) A person convicted of the violation of any provision of this Section shall be subject to the penalties as set out in Section 1.32.01 of the Conway Municipal Code.

SECTION 1201.23 – MASSAGES OR BATHS

It shall be unlawful for any business operating as a sexually oriented business to offer the services of a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided, or where any physical contact with the recipient of such services constitutes specified sexual activities, regardless of the gender of the recipient or the provider of the services. A person convicted of the violation of any provision of this Section shall be subject to the penalties as set out in Section 1.32.01 of the Conway Municipal Code.

SECTION 1201.24 – HOURS OF OPERATIONS

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of five o'clock (5:00) A.M. and eleven o'clock (11:00) A.M.

SECTION 1201.25 – EXEMPTIONS

It is a defense to prosecution under this Ordinance that a person appearing in a state of nudity or semi-nudity did so in a modeling class, art class, or live performance operated:

(1) by a proprietary school, licensed by the State of Arkansas, a college, junior college, or university supported entirely or partly by taxation;

(2) by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

SECTION 1201.26 – NOTICES

(A) Any notice required or permitted to be given by the Chief or any other City office, division, department or other agency under this Ordinance to any applicant, licensee operator or owner of a sexually oriented business must be given by certified United State mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or in any subsequent notice of address change that has been received by the Chief. Notices mailed as above shall be deemed given upon their receipt in the United States mail. In the event that any notice given by mail is returned by the postal service, the Chief or his designee shall cause it to be posted at the principal entrance to the establishment, and notice will be considered received upon the date of such posting.

(B) A license may designate an agent for service and notify the Chief of the identity and address of the agent for service. In such event, notices are subject to the requirement of Subsection (A) above, except that notice shall be made at the address of the designated agent for service.

(C) Any notice required or permitted to be given to the Chief by any person under this Ordinance shall not be deemed given until and unless it is received in the office of the Chief.

(D) It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the Chief in writing of any change in residence or mailing address.

SECTION1201.27 – INJUNCTION

A person who operates or causes to be operated a sexually oriented business without a valid business license, or a business shown by clear and convincing evidence to be engaging in a regular pattern or practice of violations of this Ordinance, is subject to a suit for injunction as well as prosecution for criminal violation. Each day a sexually oriented business so operates, or each day a person so acts in violation of a provision of this Ordinance is to be considered a separate offense or violation.

(Ordinance No. O-04-15)

Addendum A

To the Conway Zoning Ordinance

Uses Allowed in the Various Zoning Districts

X=Permitted
C=Conditional

If no letter is shown, the use is not allowed in that zone

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Abbatoir																			C				*C*
Addressing, duplicating, mailing lists, stenographic telephone messages, & similar office services										X	X	X	X	X	X	X	X	X	X		X	X	*C*
Adult day care Center	C	C	C		C	C	C	C		C	C	C	C	C	C	C					C	X	*X*
Advertising agency										X	X	X	X	X	X	X	X	X	X		X	X	*C*
Aerosol containers, filling of																			C				*C*
Agricultural services	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	*X*
Agriculture – commercial	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	*X*
Agriculture – limited	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	*X*
Air Conditioning and heating equipment manufacture																			X				*C*
Aircraft part: sales, service, rental or repair, including air frames and engines										C	C	X	X				C	C	C				*C*
Airport activities																			C				*C*
Airport transportation																			C				*C*
Airports																			C				*C*
Airway beacon or marker																			C				*C*
Ambulance service *(Ordinance O-05-105)*				C	C	C	C	C		X	*C*	X	X	X	*C*	*C*	C	C	C	C	X	X	*C*
Amusement, commercial										X	C	X	X	X	C	C	X	C	C				*C*
Animal and marine fat and oils, manufacturing or processing																			C				*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Animal bones, offal or waste: assembly incinerator, processing or utilization																			C				*C*
Animal clinic (enclosed) small animals										X	X	X	X	X	X	X	X	X	X		X	X	*X*
Animal hospital										C	C	X	X				X	C	X	X	C	X	*X*
Animal Shelter (Ordinance O-05-139)	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
Antique store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Apartment house					X	X	X	X		C			C	C							C		*X*
Apiary	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	*X*
Apparel and accessories store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Apparel and other textile products manufacture																			X				*C*
Appliance repair										X	C	X	X	C	C		X	C	C		C	C	*C*
Arboretum or botanical garden	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	*X*
Arena										X		X	X	C			X				C	X	*C*
Arena / Auditorium										X		X	X	C			X				C	X	*C*
Armature rewinding shop										C	C	X	X				C	C	C				*C*
Armored car service										C	C	X	X				C	C	C				*C*
Arsenal																			C				*C*
Art gallery, museum or similar public use	C	C	C	C	C	C	C	C	C	X	X	X	X	X	C	C	X	X	X	C	X	X	*X*
Attached dwelling *(Ordinance O-05-74)*		X	X		X	X	X	X	C	X	*C*	*C*	*C*										*X*
Auctioneer										C	C	X	X				C	C	C				*C*
Auditorium										X		X	X	C			X				C	X	*C*
Auto glass or muffler shop										C	C	X	X				C	C	C				*C*
Automatic merchandising establishment										C	C	X	X				C	C	C				*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Automobile accessory tire or battery stores without tire recapping										C	C	X	X				C	C	C				*C*
Automobile and truck rental										C		X	C				X						*C*
Automobile and truck sales (new and used) and service										C		X	C				X						*C*
Automobile auction										C		X	C				X						*C*
Automobile body shop										C	C	X	X				C	C	C				*C*
Automobile parking or storage as principle use										X		X	X	X			X	X	X		C	X	*C*
Automobile service station, not including motor repair or painting										C	C	X	X				C	C	C				*C*
Automobile wash service, including self-service										C	C	X	X				C	C	C				*C*
Automobile, bus, or truck dismantling, salvaging, or wrecking												C					C		X				*C*
Baked goods, candy, bread, dairy and ice cream manufacturing																	X	C	X				*C*
Bakery and confectionery shop										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Bank or savings and loan										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Barber or beauty shop										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Batching or mixing plant, asphaltic or Portland cement, concrete, mortar, or plaster																			X				*C*
Bathing beach: public	C	C	C	C	C	C	C	C		X	X	X	X	X	X	X	X	C	C	C	X	X	*C*
Bed & Breakfast					C	C	C		C							C							*C*
Beverages, non-alcoholic manufacture																			X				*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Bicycle store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Billiard or pool parlor										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Blueprinting, photocopying, and similar reproductive service										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Boarding or rooming house		C	C		X	X	X																*X*
~~Boarding or training animals~~ *(Ordinance O-05-139)*	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~		~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~X~~	~~C~~	~~X~~	
Boat and marine rental, repair, and sales										C		X	C				X						*C*
Boat rental or storage										C	C	X	X				C	C	C				*C*
Book bindery																	X	C	X				*C*
Bookstore										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Bottling works, all beverages																	X	C	X				*C*
Bowling alley										X	C	X	X	X	C	C	X	C	C				*C*
Brick, tile, clay, or ceramic manufacture																			X				*C*
Brooms and brushes manufacture																			X				*C*
Building materials or lumber yard										C	C	X	X				C	C	C				*C*
Building materials or lumber, wholesale sales										C	C	X	X				C	C	C				*C*
Building services including janitorial services, floor waxing, and office cleaning										X	C	X	X	C	C		X	C	C		C	X	*C*
Burial facilities	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	X	*C*
Bus garage or equipment maintenance										C	C	X	X				C	C	C				*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Bus sales, service, rental, and repair										C		X	C				X						*C*
Bus station	C	C	C	C	C	C	C	C		C	C	X	X	C	C	C	C	C	X	C	C	C	*C*
Camera and photographic supply store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Carnival, circus, or similar temporary amusement enterprise										X	C	X	X	X	C	C	X	C	C				*X*
Carpentry, woodworking, or furniture making																	X	C	X				*C*
Carting, crating, express handling, moving, or storage										C	C	X	X				C	C	C				*C*
Catering service										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Cemetery	C	C	C	C	C	C	C	C		C		C	C	C	C		C	C	C	C	C	C	*C*
Cesspool cleaning establishment										C	C	X	X				C	C	C				*C*
Chemicals compounding or packaging																			C				*C*
Child care facility *(O-06-168) (O-14-09)*	~~C~~	~~C~~	C	C	C	C	C	C		X	X	X	X	~~X~~ *C*	~~X~~ *C*	C	C	C	C	C	X	X	*C*
~~Child care institution~~ *(Ordinance O-06-168)*	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~X~~	~~X~~	
Church, synagogue, or temple, including Sunday school facilities	C	C	C	C	C	C	C	C	C	X	C	X	X	X	C	C	*C*	*C*	*C*	C	X	X	*C*
Cigar, tobacco, or candy store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Civil defense and related activities facilities	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
Clinic, dental, medical or osteopathic, chiropodist, pharmacy, optical										X	X	X	X	X	X	X	X	X	X		X	X	*C*
Clothing, custom dress making or altering for retail, including tailoring and millinery										X	X	X	X	C	C	C	X	C	C		C	X	*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Clothing, second hand sales										X	C	X	X	C	C		X	C	C		C	C	*C*
Coal preparation																			C				*C*
Cold storage plant										C	C	X	X				C	C	C				*C*
College, junior college, professional school: public or equivalent private	C	C	C	C	X	X	X	X		X	X	X	X	X	X	C	X	X	C	C	X	X	*C*
Columbarium	C	C	C	C	C	C	C	C	C	C		C	C	C	C		C	C	C	C	C	C	*C*
Community center: public	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
Community welfare or health center	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
Compounding of cosmetics, toiletries, drugs, and pharmaceutical products																			X				*C*
Computer data processing, or similar service										X	X	X	X	X	X	X	X	X	X		X	X	*C*
Construction equipment repair, sales or storage										C	C	X	X				C	C	C				*C*
Contract sorting, grading, and packing of fruits and vegetables for grower																				X			*X*
Contractor (general or heavy construction) facilities other than office										C	C	X	X				C	C	C				*C*
Contractor (special trade) facilities other than office										C	C	X	X				C	C	C				*C*
Convalescent home		C	C		X	X	X	X		X	C	C	X	X	C					C	X	X	*C*
Convalescent /maternity / nursing home		C	C		X	X	X	X		X	C	C	X	X	C					C	X	X	*C*
Convent, monastery, or novitiate	C	C	C	C	C	C	C	C	C	X	C	X	X	X	C	C	*C*	*C*	*C*	C	X	X	*X*
Cornshelling, hay bailing, and threshing services																			X				*X*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Cotton ginning and compressing																			X				*C*
Country club, golf course, swimming pool, or other private recreational uses usually associated with a social country club or subdivision association operated for mutual recreation of members and not for profit	C	C	C	C	C	C	C	C		X	X	X	X	X	X	X	X	C	C	C	X	X	*C*
Crematory	C	C	C	C	C	C	C	C		C		C	C	C	C		C	C	C	C	C	C	*C*
Creosoting or similar processing																			C				*C*
Custom ceramic products manufacturing										C	C	X	X				C	C	C				*C*
Dance hall										X	C	X	X	C	C		X	C	C		C	C	*C*
Day camp: community	C	C	C	C	C	C	C	C		X	X	X	X	X	X	X	X	C	C	C	X	X	*C*
~~Day nursery~~ *(Ordinance O-6-168) (O-14-09)*	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~X~~	~~X~~	
~~Day nursery or~~ *D*ay care center *(Ordinance O-06-168) (O-14-09)*	~~C~~	~~C~~	C	C	C	C	C	C		X	X	X	X	~~X~~ C	~~X~~ C	C	C	C	C	C	X	X	*C*
Delivery service										X	C	X	X	C	C		X	C	C		C	C	*C*
Department store										X	C	X	X	C	C		X	C	C		C	C	*C*
Detective or protective service										X	C	X	X	C	C		X	C	C		C	C	*C*
Diaper service										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Direct selling organization										X	C	X	X	C	C		X	C	C		C	C	*C*
Disinfecting, deodorizing, or exterminating service										X	C	X	X	C	C		X	C	C		C	C	*C*
Dormitories					C	C	C														X	X	*X*
Drafting service										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Drive-in restaurant										X	C	X	X	C	C	C	X	C	C		C	C	*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Driving school, private										C	C	X	X				C	C	C				*C*
Drugstore or pharmacy										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Dry goods store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Dry-cleaning and dyeing plant																			X				*C*
Dry cleaning plant limited to 7000 square feet of floor space										C	C	X	X				C	C	C				*C*
Dry-cleaning, pickup, or self-service										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Duplex		X	X		X	X	X	X	C	X	C	C	C	C		X					C	X	*X*
Duplex/2 family dwelling		X	X		X	X	X	X	C	X	C	C	C	C		X					C	X	*X*
Dwelling attached *(Ordinance O-05-74)*		X	X		X	X	X	X	C	X	*C*	*C*	C										*X*
Dwelling, zero lot line *(Ordinance O-05-74)*					X	X	X			X	*C*	*C*	*C*										*X*
Eating place										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Eating place with drive-through service										X	C	X	X	C	C		X	C	C		C	C	*C*
Eating place (other than drive-through) not serving beer providing dancing or entertainment										C	C	X	X				C	C	C				*C*
Electric generating plant	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Electric regulating substation	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Electric utility maintenance facility	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Electronic equipment assembly and manufacture																	X	C	X				*C*
Employment service																			X		X	X	*C*
Exploration for minerals										X	X	X	X	X	X	X	X	X	X		C	C	*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Explosives: manufacture, storage. Warehousing, or wholesaling																			C				*C*
Extraction of sand, gravel, clay, quarrying of rock										C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Fairgrounds (*O-09-70)*										X		X	X	C			X		*X*		C	X	*C*
Farm equipment: sales, service, rental, supplies, and repair										C	C	X	X				C	C	C				*C*
Farming: all legal plants and all animals excluding pigs	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	*X*
Financial institution (drive through)										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Fire extinguisher service										X	C	X	X	C	C		X	C	C		C	C	*C*
Fire protection and related activities facility	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
Fireworks: manufacture, storage, warehousing, or wholesaling																			C				*X*
Firing Range (Indoor) (Ordinance O-08-131)												*C*	*C*				*C*	*C*	*C*				*C*
Fishery	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	*X*
Flammable gases or liquids; storage																			C				*C*
Flood control works	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
Florist shop										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Food locker plant										X	C	X	X	C	C		X	C	C		C	C	*C*
Food products, including bakery goods, candy, fruit and vegetable processing and canning, packing and processing of meats and poultry, but not including slaughtering of animals or poultry																			X				*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Food Store including bakery (retail only)										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Forestry: growing, harvesting, or preserving trees and /or forest products	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	*X*
Foundry																			C				*C*
Fraternity or sorority house					C	C	C														C	X	*X*
Fraternity / Sorority					C	C	C														C	X	*X*
Freight Depot, railroad or truck																			X				*C*
Freight forwarding service																			X				*C*
Funeral home, mortuary, or undertaking establishment										X	C	X	X	X							C		*C*
Fur sales, repair, and storage										X	C	X	X	C	C		X	C	C		C	C	*C*
Furniture manufacturing																	X	C	X				*C*
Furniture, home furnishings, and equipment store: sales and repair										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Garage apartment		X	X		X	X	X	X	C	C	C	C	C	C		X					C		*X*
Garage or parking for commercial or public utility vehicles										X		X	X	X			X	X	X		C	X	*C*
Garbage or trash: assembly, incineration, or processing										C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Garden supply store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Garden: no product sold on premises	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	*X*
Gas, Oil, and Mineral Exploration																							*C*
Gas pressure control station	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Gas utility maintenance facility	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	*C*

Allowed Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2	TJ
General Store: general merchandise store										X	X	X	X	C	C	C	X	C	C		C	X	C
Gift, novelty or souvenir shop										X	X	X	X	C	C	C	X	C	C		C	X	C
Glass or glass products manufacturing																			X				C
Glass or glass products Sales										X	C	X	X	C	C		X	C	C		C	C	C
Golf course: commercial										X	C	X	X	X	C	C	X	C	C				C
Greenhouse	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	X
Greenhouse: private, no products sold on property	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Gunsmith shop										X	C	X	X	C	C		X	C	C		C	C	C
Handcraft, ceramic sculpture, or similar artwork sales										X	X	X	X	C	C	C	X	C	C		C	X	C
Hardware store										X	X	X	X	C	C	C	X	C	C		C	X	C
Hardware, industrial sales										C	C	X	X				C	C	C				C
Hat cleaning or repair shop										X	C	X	X	C	C		X	C	C		C	C	C
Hay, grain, or feed store										X	C	X	X	C	C		X	C	C		C	C	C
Hazardous material storage										C	C	C	C	C	C	C	C		C				C
Health studio or spa										X	X	X	X	C	C	C	X	C	C		C	X	C
Highway or street maintenance garage, yard, or similar facility	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	C
Hobby shop										X	X	X	X	C	C	C	X	C	C		C	X	C
Home occupation	C	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X				X	X	X	X
Hospital services				C	C	C	C	C		X		X	X	X			C	C	C	C	X	X	C
Hospital: general, health center, restricted to mental, narcotics, or alcoholic patients, sanatorium				C	C	C	C	C		X		X	X	X			C	C	C	C	X	X	C

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Hotel										X		X	X	C	C		X	C			C	X	*C*
Hotel / Motel										X		X	X	C	C		X	C			C	X	*C*
House of Worship, including Sunday school facilities	C	C	C	C	C	C	C	C	C	X	C	X	X	X	C	C	*C*	*C*	*C*	C	X	X	*C*
Household appliance store										X	C	X	X	C	C		X	C	C		C	C	*C*
Ice plant, dry, or natural																	X	C	X				*C*
Ice vending machine establishment										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Industrial cleaning plant																	X	C	X				*C*
Institution for the aged or children		C	C		X	X	X	X		X	C	C	X	X	C					C	X	X	*C*
Instrument and meter manufacturing																			X				*C*
Interior decorating shop										X	X	X	X	X	X	X	X	X	X		X	X	*C*
Jewelry manufacturing																	X	C	X				*C*
Jewelry: sales and repair										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Job printing. Lithographer, printer, or blueprinting										X		X	X	X			X	X	X		X	X	*C*
Kennel (Ordinance O-05-139)	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
Laboratory research development or testing										C		C	C	C			C	C	C	C	C	X	*C*
Laboratory-research facilities										C		C	C	C			C	C	C	C	C	X	*C*
Laundry, self service and pickup station, laundry services, Laundromat										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Leather goods and fabrication																	X	C	X			C	*C*
Leather goods or luggage store										X	C	X	X	C	C		X	C	C		C	X	*C*
Library, private, non-profit and public	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
Linen supply or industrial laundry										C	C	X	X				C	C	C				*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Livestock assembly, suction, breeding, feeding, sales, sales barn, shipment, and pens																			X				*C*
Loan Office										X	C	X	X	C	C		X	C	C		C	C	*C*
Locksmith, key shop										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Lodge or fraternal organization										C	C	X	X				C	C	C				*C*
Machinery sales and service										C	C	X	X				C	C	C				*C*
Mail order house: catalogue office or retail store										X	C	X	X	C	C		X	C	C		C	C	*C*
Manager / caretaker residence	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	*X*
Manufactured housing	X	X	X	X	X	X	X	X		C	C		C	C	C	X				X	X	X	*X*
Manufacturing – hazardous																			C				*C*
Manufacturing – Intensive																			X				*C*
Manufacturing – light																	X	C	X				*C*
Maternity home		C	C		X	X	X	X		X	C	C	X	X	C					C	X	X	*C*
Mattresses: rebuilding or renovating																			X				*C*
Mausoleum	C	C	C	C	C	C	C	C		C		C	C	C	C		C	C	C	C	C	C	*C*
Medical appliance fittings and sales										X	C	X	X	C	C		X	C	C		C	C	*C*
Mineral preparation: non-metallic																			C				*C*
Mining										C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Mining of coal, metal ores and non-metallic minerals other than fuel										C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Mini-warehouse										C	C	X	X				C	C	C				*C*
Mobile home								X															*X*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Mobile home and/or subdivision sales office without display										X	X	X	X	X	X	X	X	X	X		X	X	*C*
Mobile home and/or travel trailer sales, service, and manufacturing																	X		X				*C*
Mobile home and/or travel trailer sales and service only										C	C	X	X				C	C	C				*C*
Mobile home park *(O-11-99)*								X															*X*
Mobile Vendor (*O-11-99)*										X	X	X	X	C	C	C	C	C	C		C	C	
Mobile Food Vendor										X	X	X	X	C	C	C	C	C	C		C	C	
Monument sales										C	C	X	X				C	C	C				*C*
Monument works																			X				*C*
Mortuary										X	C	X	X	X							C	X	*C*
Motel										X		X	X	C	C		X	C			C	X	*C*
Motion picture distribution & service										X	C	X	X	C	C		X	C	C		C	C	*C*
Motion picture theatre										X	C	X	X	X	C	C	X	C	C				*C*
Motorcycle display: sales and service										C		X	C				X						*C*
~~*Multi-family dwelling*~~ *(Ordinance O-00-12)*					~~X~~	~~X~~	~~X~~	~~X~~		~~X~~			~~C~~	~~C~~							~~C~~	~~X~~	
Up to 12 dwelling units per acre, single lot (Ordinances O-00-12 & O-05-74)		C	C		X	X	X	X		X	*C*	*C*	C	C							C	X	*X*
Up to 18 dwelling units per acre, single lot (Ordinances O-00-12 & O-05-74)					C	X	X	X		X	*C*	*C*	C	C							C	X	*X*
Up to 24 dwelling units per acre, single lot (Ordinances O-00-12 & O-05-74)						C	X	X		X	*C*	*C*	C	C							C	X	*X*
Music, musical instruments, or phonograph record shop										X	X	X	X	C	C	C	X	C	C		C	X	*C*
News syndicate service printing and publishing including engraving or photoengraving										X		X	X	X			X	X	X		X	X	*C*
Newspaper offices / print shop										X		X	X	X			X	X	X		C	X	*C*
Newsstand										X	X	X	X	C	C	C	X	C	C		C	X	*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Nursery school	C	X	X	C	X	X	X	X		X	X	X	X	X	X	C	C	C	C	C	X	X	*C*
Nursery (plants)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X	C	X	*X*
Nursery (plants) sales										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Nursing home		C	C		X	X	X	X		X	C	C	X	X	C					C	X	X	*C*
Office (See 601.27) *(Ordinance-09-43)*		*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	X	X	X	X	X	X	X	X	X	X		X	X	*C*
Office equipment: sales and service										X	C	X	X	C	C		X	C	C		C	C	*C*
Offices: administrative, executive, general, professional, research, governmental										X	X	X	X	X	X	X	X	X	X		X	X	*C*
Oil field equipment and supplies, sales, service, rental, or repair										C	C	X	X				X	C	X				*C*
Optical goods manufacturing										C	C	X	X				X	C	X				*C*
Optical laboratory										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Optical shop										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Ore reduction																			C				*C*
Orthopedic or medical supplies manufacturing																			X				*C*
Outdoor advertising plant																	X	C	X				*C*
Packing or crating										C	C	X	X				C	C	C				*C*
Paint, enamel, lacquer, turpentine, varnish manufacturing																			C				*C*
Paper manufacturing or processing																			C				*C*
Paper products including envelopes, stationery, wallpaper manufacturing																			X				*C*
Parish house, parsonage or rectory	C	C	C	C	C	C	C	C	C	X	C	X	X	X	C	C	*C*	*C*	*C*	C	X	X	*C*
Parking commercial lot or garage										X		X	X	X			X	X	X		C	X	*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Parking lot (as principal use)										X		X	X	X			X	X	X		C	X	*C*
Park, playground or tot lot	C	C	C	C	C	C	C	C	C	X	X	X	X	X	X	X	X	C	C	C	X	X	*C*
Pawn shop										C	C	X	X				C	C	C				*C*
Pet shop										X	C	X	X	C	C		X	C	C		C	C	*C*
Petroleum products: storage										C	C	C	C	C	C	C	C		C				*C*
Photo finishing service										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Picture framing										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Plumbing fixtures, sales, and services										X	C	X	X	C	C		X	C	C		C	C	*C*
Plumbing, electrical, air conditioning, heating shop										X	C	X	X	C	C		X	C	C		C	C	*C*
Police protection and related activities facility	C	C	C	C	C	C	C	C	C	X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
Postal service facility	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
Private school or kindergarten or institution for special education	C	C	C	C	X	X	X	X		X	X	X	X	X	X	C	X	X	C	C	X	X	*C*
Processing and manufacturing that by reason of operation is not a nuisance in respect to odor, noise, dust, vibration, etc.																	X	C	X				*C*
Production of crude petroleum, natural gas, and natural gas liquids																			C				*C*
Public buildings	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
Public off-street parking lot										X		X	X	X			X	X	X		C	X	*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Public stable	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	*X*
Publicly-owned service facility	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
~~Radio transmitting station or tower other than amateur~~ *(O-13-62)*										~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~		~~C~~		~~C~~
Radio, phonograph, television, or other household electronics equipment store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Railroad equipment storage or maintenance																			X				*C*
Railroad freight terminal																			X				*C*
Recreation facilities, commercial										X	C	X	X	X	C	C	X	C	C				*C*
Recreation facilities community	C	C	C	C	C	C	C	C		X	X	X	X	X	X	X	X	C	C	C	X	X	*C*
Recreation vehicle parks												X											*C*
Recycling and reclamation																			C				*C*
Religious activity	C	C	C	C	C	C	C	C	C	X	C	X	X	X	C	C	*C*	*C*	*C*	C	X	X	*C*
Religious goods store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Religious retreat facility	C	C	C	C	C	C	C	C	C	X	C	X	X	X	C	C	*C*	*C*	*C*	C	X	X	*C*
Rendering of animals																			C				*C*
Repair service limited to equipment (wholesale is permitted use in the district in which the repair store is located)										C	C	X	X				C	C	C				*C*
Residence for use of a caretaker responsible for maintaining or operating the property	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	*X*
Restaurant										X	C	X	X	C	C		X	C	C		C	C	*C*
Retail sale of farm products raised on premises	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	*X*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Retail - General										X	C	X	X	C	C		X	C	C		C	C	*C*
Retail – High Impact										C	C	X	X				C	C	C				*C*
Retail - Restricted										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Rooming house		C	C		X	X	X																*X*
Rubber products: natural or synthetic manufacturing																			X				*C*
Rug cleaning or repair										X	C	X	X	C	C		X	C	C		C	C	*C*
Sales, service, repair, or rental of business machines										X	C	X	X	C	C		X	C	C		C	C	*C*
Sand, gravel, or earth sales and storage																	C		X	C			*C*
Sawmill																			C				*C*
School elementary: public or private	C	C	C	C	X	X	X	X		X	X	X	X	X	X	C	X	X	C	C	X	X	*C*
School facilities	C	C	C	C	X	X	X	X		X	X	X	X	X	X	C	X	X	C	C	X	X	*C*
School private: barber, beauty, business, commercial art, correspondence, stenographic, public, or private	C	C	C	C	X	X	X	X		X	X	X	X	X	X	C	X	X	C	C	X	X	*C*
School secondary: public or private	C	C	C	C	X	X	X	X		X	X	X	X	X	X	C	X	X	C	C	X	X	*C*
School: commercial, trade, or craft	C	C	C	C	X	X	X	X		X	X	X	X	X	X	C	X	X	C	C	X	X	*C*
Scrap or waste materials handling																			X				*C*
Scrap steel cutting on contract basis																			X				*C*
Seasonal Sales (Including fireworks)																							*X*
Secondhand automotive parts, accessories, battery or tire dealer										C	C	X	X				C	C	C				*C*
Secondhand store										X	C	X	X	C	C		X	C	C		C	C	*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Sewage lift station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Sewage treatment plant	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Sewing machine shop										X	C	X	X	C	C		X	C	C		C	C	*C*
Shelter for abused persons		C	C		C	C	C														X	X	*X*
Shelter for the homeless		C	C		C	C	C	C		~~X~~ C	C	C	C										~~*X*~~ C
Shoe sales and repair										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Sign painting																			X				*C*
Single family dwelling	X	X	X	X	X	X	X	X	X	X	C		C	C	C	X				X	X	X	*X*
Skating rink										X	C	X	X	X	C	C	X	C	C				*C*
Slaughtering of animals																			C				*C*
Solid waste disposal										C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Sporting goods store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Stadium										X		X	X	C			X				C	X	*C*
Stationery store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Steel products: fabrication and assembly																			X				*C*
Store selling architect's artist's, and engineer's supplies and equipment or dental, medical, or office supplies, or equipment										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Structures utilizing zero-lot-line					X	X	X			X													*X*
Studio - photographic										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Studio: art, drama, speech, dance, music, ceramics	C	C	C	C	X	X	X	X		X	X	X	X	X	X	C	X	X	C	C	X	X	*C*
Studio: broadcasting or recording										X	C	X	X	C	C		X	C	C		C	C	*C*
Swimming pool: public	C	C	C	C	C	C	C	C		X	X	X	X	X	X	X	X	C	C	C	X	X	*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Swimming pool: sales and service										C	C	X	X				C	C	C				*C*
Tailor										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Tanning hides and skins																			C				*C*
Tar or tar paper manufacturing or processing																			C				*C*
Tattoo parlor										C	C	X	X				C	C	C				*C*
Taxicab garaging and maintenance										C	C	X	X				C	C	C				*C*
Taxicab stand or dispatching station	C	C	C	C	C	C	C	C		C	C	X	X	C	C	C	C	C	X	C	C	C	*C*
Taxidermist										C	C	X	X				C	C	C				*C*
~~Telegraph transmitting or receiving station~~ *(O-13-62)*										~~X~~	~~C~~	~~X~~	~~X~~	~~C~~	~~C~~		~~X~~	~~C~~	~~C~~		~~C~~	~~C~~	~~C~~
~~Telegraph exchange station relay tower~~ *(O-13-62)*	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~		~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
Temporary Sales																							*X*
Tennis court: public	C	C	C	C	C	C	C	C		X	X	X	X	X	X	X	X	C	C	C	X	X	*C*
Tire recapping										C	C	X	X				C	C	C				*C*
Tool and equipment rental (inside display only)										C	C	X	X				C	C	C				*C*
Tool and equipment (with outside display)										C	C	X	X				C	C	C				*C*
Tool sharpening										C	C	X	X				C	C	C				*C*
Townhouse					X	X	X	X		C			C	C							C		*X*
Toy store										X	X	X	X	C	C	C	X	C	C		C	X	
Transmission tower/station	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	C	C	C	C	C	C	C	C	C	C		C	C	*C*
Transportation facilities/excluding airports	C	C	C	C	C	C	C	C		C	C	X	X	C	C	C	C	C	X	C	C	C	*C*
Transportation ticket service	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	C	C	C	C	C	C		C	C	*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Travel arranging service										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Truck garden	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	*X*
Truck, bus, or train terminals	C	C	C	C	C	C	C	C		C	C	X	X	C	C	C	C	C	X	C	C	C	*C*
Upholstery shop										X	C	X	X	C	C		X	C	C		C	C	*C*
Utility facility	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	*C*
Variety store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Vehicle sales										C		X	C				X						*C*
Vehicle salvage												C					C		X				*C*
Vending machine sales, rental, repair and manufacturing																			X				*C*
Vending machine sales, rental, repair										X	C	X	X	C	C		X	C	C		C		*C*
Venetian blind cleaning										X	C	X	X	C	C		X	C	C		C	C	*C*
Venetian blind, window shade, and awning manufacture																			X			C	*C*
Veterinarian service / large animal										C	C	X	X				X	C	X	X	C	X	*C*
Video store										X	X	X	X	C	C	C	X	C	C		C	X	*C*
Warehousing																	X	C	X				*C*
Warehousing: inside										C	C	X	X				C	C	C				*C*
Warehousing: outside																			X				*C*
Water filtration plant, pump station, elevated storage, treatment, plant, or reservoir	C	C	C	C	C	C	C	C		X	X	X	X	X	C	C	X	X	X	C	X	X	*C*
Wholesale establishment: floor sample stock										C	C	X	X				C	C	C				*C*
Wholesale establishment: stock unlimited										C	C	X	X				C	C	C				*C*

Allowed Uses	**R-1**	**R-2A**	**R-2**	**SR**	**MF-1**	**MF-2**	**MF-3**	**RMH**	**HR**	**C-1**	**C-2**	**C-3**	**C-4**	**O-1**	**O-2**	**O-3**	**I-1**	**RU-1**	**I-3**	**A-1**	**S-1**	**S-2**	***TJ***
Wholesaling or warehousing of farm products and / or by-products	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X	*X*
Wildlife Rehabilitator (Ordinance O-05-139)	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
Window cleaning service										X	C	X	X	C	C		X	C	C		C	C	*C*
Wood distribution																	X	C	X				*C*
Wood or lumber processing																	X	C	X				*C*
Zero lot line dwelling *(Ordinance O-05-74)*					X	X	X			X	*C*	*C*	*C*										*X*