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City of Conway, Arkansas Ordinance No. <u>O-12-70</u>

AN ORDINANCE AMENDING ARTICLE 1101 OF THE CONWAY ZONING ORDINANCE (O-94-54) TO CLARIFY REQUIREMENTS FOR PROJECTS ALLOWED BY CONDITIONAL USE PERMIT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES;

WHEREAS, the City of Conway desires to promote the safety and general welfare of the community; and

**WHEREAS,** all projects regulated by Conditional Use Permits demand the individual attention ensured and provided by the Conway Development Review process.

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

**SECTION 1.** That Ordinance O-94-54, the City of Conway Zoning Ordinance, as adopted on the 27<sup>th</sup> day of September 1994, is hereby amended by readopting Article 1101.2 as follows:

## 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 to all other development only in the zones listed below:

C-1 Central Business District MF-1 Multi-Family District C-2 Neighborhood Commercial District MF-2 Multi-Family District C-3 Highway Service & Open Display District MF-3 Multi-Family 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, 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 principle 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.

**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:**

- 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 2:** That all ordinances and part of ordinances of a permanent and general nature in effect at the time of adoption of this ordinance and not included herein, are hereby repealed where they are in conflict with this ordinance.

**SECTION 3:** It being immediately necessary for the preservation of the public peace, health, and safety of the City of Conway, Arkansas, and the inhabitants thereof, an emergency is hereby declared to exist; by reason thereof this ordinance shall take effect and be in full force and effect from and after its passage and publication.

PASSED this 14<sup>th</sup> day of August, 2012.

Approved:

**Mayor Tab Townsell** 

Attest:

Michael O. Garrett
City Clerk/Treasurer