

ORDINANCE NO. A-319

ORDINANCE TO CARRY OUT THE INTENT OF THE LAND USE PLAN OF THE CITY OF CONWAY, ARKANSAS AS HERETOFORE ADOPTED; DEFINING CERTAIN TERMS; ESTABLISHING PERMITTED USES OF LANDS WITHIN ZONED DISTRICTS; PROVIDING AREA REQUIREMENTS FOR PERMITTED USES WITHIN ZONED DISTRICTS; ESTABLISHING GENERAL REGULATIONS PERTAINING THEREOF; ESTABLISHING A BOARD OF ADJUSTMENTS, DUTIES AND MEMBERSHIP THEREOF, AND THE METHOD OF APPEAL FROM THE DECISIONS THEREOF; PROVIDING THE MANNER OF AMENDING SAID ORDINANCE; PROVIDING FOR ENFORCEMENT THEREOF; PROVIDING FOR THE ISSUANCE OF PERMITS THEREUNDER; PROVIDING A PENALTY FOR VIOLATION THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

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Be it ordained by the City Council of the City of Conway, Arkansas:

CHAPTER 1 - PURPOSE

- Art. 1-1. The purpose of the ordinance is to insure the coordinated, adjusted and harmonious development of the City of Conway, Arkansas
- Art. 1-2. The City Planning Commission of Conway, Arkansas, having made a comprehensive study of present conditions and projected growth of the city and its neighboring territory and having prepared and adopted a Land Use Plan, finds that this ordinance would carry out the intent of the Land Use Plan and would promote, in accordance with present and future needs, the safety, order, convenience, efficiency, and economy in the process of development; convenience in population distribution, good civic design, and arrangement; and adequate provisions for public utilities and other public improvements.

CHAPTER 2 - USE DISTRICTS AND AREA REQUIREMENTS

Art. 2-1. Definitions.

- A. Words used in the present tense include the future; words in the singular include the plural number; and words in the plural include the singular; the word "structure" includes the word "building"; the word "shall" is mandatory and not discretionary.
- B. Certain words in this Ordinance are defined for the purpose hereof as follows:
 - 1. Accessory Structures and Use: A subordinate structure located on the same lot with the main structure, or

a subordinate use of land, either of which is customarily incident to the main structure or to the principal use of the land. Where a substantial part of the wall of the accessory structure is a part of the wall of the main building or where an accessory structure is attached to the main building in a substantial manner as by a roof, such accessory structure shall be counted as a part of the main structure.

2. Alley: public way not over 20 feet in width.
3. Family: One or more persons occupying premises and living as a single, non-profit housekeeping unit. A family shall be deemed to include the necessary servants.
4. Lot: Land occupied or to be occupied by a structure or use and its accessory structures, and including such open spaces as are required under this Ordinance and having its principal frontage upon a public street or officially approved place.
5. Open Space: Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portion of structures whatever.
6. Parking Space: 250 square feet of useable and accessible space.
7. Property Line: A line bounding a lot as defined herein.
8. Story: That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a structure used for human occupancy between the top-most floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds 4 feet.
9. Street: A public way of more than 20 feet established by or maintained under public authority, a private way open for public use, and a private way plotted or laid out for ultimate public use, whether or not constructed.
10. Structure: A structure is a building which either stands by itself with open space on all sides or has a common (party) wall or walls from ground to roof dividing it from adjoining structures.
11. Structure, one family: A detached structure designed for exclusive use of one family.
12. Structure, two family: A detached structure designed for exclusive use of two families living independently of each other.
13. Structure, Multi-family: A structure or a portion of a structure designed for the use of three or more families living independently of each other.
14. Yard: The minimum horizontal distance from a lot line to a parallel main line of the structure.
15. Yard, front: An open and unoccupied space extending the full width of the lot and on the same lot with the main structure or use and measured from the front lot line.

16. ~~_____~~: A space unoccupied except by an access-
structure or use as hereinafter permitted, ex-
tending the full width of the lot between the main
street and the rear lot line.

17. Yard: An open and unoccupied space on the
same lot as the principal structure or use situated be-
tween the _____ of the lot
and the front yard
rear line.

Art. 2-2. Use District Boundaries

A. Zoning Map

1. The use district boundaries are indicated on the Zoning Map of the City of Conway which is a part of this Ordinance.
2. Use district boundaries on the Zoning Map are intended to be along existing street, alley, or property lines or extensions of or from the same.

Art. 2-3. Residential Use Districts.

A. Permitted Uses

1. Single family structures
2. Two family structures
3. Trailer Residence
4. Churches
5. Parks, playgrounds, etc.
6. Public elementary and secondary schools
7. Kindergardens (public or private)
8. Hospitals, nursing homes, etc.
9. Accessory structures and uses pertinent to the principal structure and use.

B. Multi-family structures

1. Multi-family structures (3 or more family units per structure) shall be permitted in the Residential Use District when located within 500 feet of a Retail-Commercial, Industrial, or Institutional District.

C. Funeral Homes

1. Funeral Homes shall be permitted in the Residential Use District when located within 500 feet of the Retail-Commercial or Industrial Use District.

D. Zone Area Number R-1.

1. Lot Area

- | | |
|------------------|------------------------|
| a. Single-family | Minimum 7,500 sq. ft. |
| b. Two-family | Minimum 10,000 sq. ft. |

- c. Multi-family Minimum 10,000 sq. ft.
for the first two family units plus 2,000 sq. ft. for each additional unit.

2. Yard Requirements:

- a. Front yard - 25 feet from property line or 50 feet from center line of existing right of way, whichever is greatest.
- b. Side yard - minimum 7½ feet from each property line or center of alley where one exists.
- c. Side yard street - same as front yard.
- d. Rear yard - minimum of 7½ feet from property line or center of alley where one exists.

3. Width

- a. The minimum width of a lot at the front yard line or building line shall be 50 feet for single family structure and 75 feet for two-family structures.

4. Height

- a. Maximum - two stories and not to exceed 36 feet.

5. On-lot Parking Space

- a. Single-family and two-family. Two on-lot parking spaces shall be
- b. Multi-family. Four on-lot parking spaces for the first 2 family units plus one on-lot parking space for each additional family unit.

E. Zone Area Number R-2.

1. Area of Lot

- a. Single-family Minimum 5,000 sq. ft.
- b. Two-family Minimum 7,500 sq. ft.
- c. Multi-family 7,500 sq. feet for the first two-family units plus 2,000 sq. ft. for each additional family unit.

2. Yard Requirements

- a. Front yard - 25 feet from property line or 50 feet from center line of existing right of way, whichever is greater.
- b. Side yard - minimum 5 feet from each property line or center of alley where one exists.
- c. Side yard street - same as front yard.
- d. Rear yard - minimum 7½ feet from property line or center of alley where one exists.

3. Width

- a. The minimum width of the lot at the front line or at the building line shall be 50 feet for

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7560
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15,500

10,000
12,000
15,000

a single family structure and 75 feet for a two-family structure.

4. Height

a. Maximum - 2 stories and not to exceed 36 feet.

5. One-Lot Parking

a. Single-family, two-family, and multi-family structure. One (1) one-lot parking space for each family unit in structure.

F. Places of Public Assembly

1. Height

a. Maximum - 2 stories and not to exceed 36 feet for that portion of the structure utilized for assembly or office.

2. Yards

a. Minimum - 25 feet from all property lines. On property abutting a street 25 feet from property line or 50 feet from center of street, whichever is greater.

3. On-Lot Parking

a. Places of public assembly shall provide one (1) on-lot parking space per each 4 persons accommodated in the assembly hall.

b. The above parking requirements may be met through providing another property within 500 feet of the property on which the place of public assembly is located.

Art. 2-4. Retail-Commercial District

A. Permitted Uses

1. Retail establishments providing goods and services.
2. Office and bank buildings and uses.
3. Processing and manufacturing that by reason of operation are not a nuisance in respect to noise, odor, dust, vibration, etc.
4. Wholesaling and warehousing.
5. Bulk storage of non-combustible materials.
6. Hotels, motels, tourist courts, trailer courts, etc.
7. Automotive service, repair, and storage.
8. Places of public assembly.

B. Zone Area Number B-1

1. Height

a. Maximum - 6 stories

2. Rear Yard

a. Maximum - 15 feet from property line or center of alley which one exists.

3. Loading and Unloading

- a. Loading and unloading facilities shall be provided so as not to block any public way.

4. Fire Limits

- a. The fire limits of the City of Conway, Arkansas, shall conform to the Retail-Commercial Use District - Area Number 1.

C. Zone Area Number B-2

1. Height

- a. Maximum - 2 stories and not to exceed 40 feet.

2. Yards

- a. Minimum - 10 (F. E. Robins III) feet from all property lines. On property abutting a street 25 feet from property line or 50 feet from center of street, whichever is greater.

3. On-Lot Parking

- a. On-Lot parking facilities shall be provided for employees and trade.

4. Loading and unloading facilities

- a. Loading and unloading facilities shall be provided so as not to block any public way.

D. Place of Public Assembly

1. Places of public assembly shall meet the requirements for places of public assembly in IE.

Art. 2-5 Industrial Use District

A. Uses Permitted

1. All uses permitted in the Retail-Commercial Use District.
2. The manufacturing, compounding, processing, packaging, or assembling of such products prohibited in Retail-Commercial Use District when it is found by the enforcement officer that the specific location and the safeguards taken will so reduce the noise, dust, odor, or vibration so as not to be detrimental or dangerous to the health, safety, or general welfare of the people.
3. Storage of bulk materials which are prohibited in Retail-Commercial Use District when it is found by the enforcement officer that the specific location and the safeguards taken will so reduce the danger of fire or explosion as not to be dangerous to the health, safety, or general welfare of the people.

B. Residential Use Prohibited

1. No structure may be constructed or converted to residential use.

C. Area:

1. Lot coverage: No structure or structures may cover more than $33 \frac{1}{3}$ percent of the lot area.

D. Yards:

1. All structures shall be built at least 25 feet from all property lines, except that where property abuts a railroad where siding facilities are utilized, structure may be built up to the property line.

E. Height:

1. Maximum Height: 2 stories and not to exceed 30 feet.
2. The Board of Adjustment may waive the height requirement when it is demonstrated that the equipment and the structure to house the operation require greater height

F. On-Lot Parking:

1. Adequate on-lot parking space shall be provided for employees.

G. On-Lot Loading and unloading Facilities:

1. Each structure or use shall provide on-lot loading and unloading facilities which will not block a street, alley, or public way.

Art. 2-6 ^{Institutions} Industrial Districts

A. Uses Permitted:

1. Institutions of higher learning whether publicly or privately owned and the facilities necessary to operate and maintain said institutions including, but limited to, classrooms, libraries, administrative facilities, maintenance facilities, athletic and recreational facilities, housing facilities for single and married students and members of the faculty, and those service activities normally associated with said institutions as eating facilities, book stores, etc.

B. Height:

1. Maximum height: 2 stories and not to exceed 35 feet.
2. Structures may exceed 2 stories and 35 feet if approved by the State Fire Marshall as being of fire resistant construction and safe for the use or uses intended.

C. Yards:

1. 25 feet from all property lines or 50 feet from center line of existing right-of-way, whichever is greater when the land adjacent to said right-of-way or property line is in ownership other than that of the institution

D. Loading and Unloading:

1. Loading and unloading facilities shall be provided so as not to block any public way.

Art. 2-7 Neighborhood Retail-Service Use Districts

A. Permitted Uses:

1. Retail establishments providing goods and services
2. Office and Bank buildings and uses.
3. Automotive service stations.

B. When Permitted:

1. A neighborhood Retail-Service Use District may be permitted only when it is demonstrated that said District will serve the general welfare of persons residing in the adjacent or surrounding areas.
2. Creation of Neighborhood Retail-Service Use Districts must meet the statutory requirements of the state statutes for city planning.

C. Area Requirements:

1. Lot Area

- a. Minimum lot area - 22,000 square feet.

2. Yard Requirements:

- a. 25 feet from all property lines or 50 feet from center line of existing right-of-way, whichever is greater.

3. Height:

- a. Maximum height - one story and not to exceed 30 feet.

4. Width:

- a. Minimum width of a lot at the front yard line shall be 150 feet.

5. On-Lot Parking:

- a. On-lot parking facilities shall be provided for all employees.
- b. Provision shall be made for on-lot and customer parking to handle normal anticipated demand.

6. Loading and Unloading:

- a. Loading and unloading facilities shall be provided so as not to block any public way.

CHAPTER 3 - GENERAL REGULATIONS

Art. 3-1 Annexed Area:

- A. Territory annexed after adoption of this Ordinance shall be governed by the following temporary rules and regulations until the Zoning Map shall have been amended to include the newly annexed territory.
 1. No building permit shall be issued by the enforcement officer for a use not in conformance with the Land Use Plan. If an application is made to the enforcement officer for any other use, he shall accept the application and submit it to the City Planning Commission for consideration and recommendation to the City Council. The City Council shall accept or reject the recommendation of the City Planning Commission.
 2. All new uses of structures and land shall be in conformance with the procedure set forth in (1) of this article.

Art. 3-2 Completion of Existing Buildings:

- A. Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the adoption of this ordinance.
- B. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of this ordinance provided construction is started on said building within 90 days after adoption of this ordinance.

Art. 3-3 Non-Conforming

A. Definitions:

1. Non-conforming - one which does not meet the requirements of this Ordinance at the time of the effective date of this Ordinance.
2. A non-conforming use of land is a use that does not utilize a principal structure.
3. A non-conforming use of structure is a use that does not conform to the permitted uses of the area.
4. A non-conforming structure is one that does not conform to either the use and/or the area requirements of the use district in which it is located.

B. A non-Conforming Use of Land:

1. Shall not be changed unless changed to a conforming one
2. Which shall cease for a continuous period of more than 30 days shall be deemed permanently abandoned and any use thereafter established must be in conformity with this Ordinance.
3. Shall not be continued for more than 10 years from date of adoption of this ordinance. Such non-conforming use of land shall cease at the end of the time period herein established.

C. A non-Conforming Use of Structure:

1. May be continued subject to such regulations as to the Maintenance of premises and conditions of operation as may be required for the protection of adjacent property.
2. May be extended to any portion of a structure arranged or designed for such non-conforming use at the time of the passage of this Ordinance.
3. May be changed to a similar use if no structural changes are necessary.
4. Once changed to a conforming use cannot be changed to a non-conforming use.
5. Which shall cease for a continuous period of more than 60 days then shall be deemed permanently abandoned and any use thereafter established must be in conformity with this Ordinance.

D. A non-Conforming Structure

1. Located in residential use district may be rebuilt, remodeled, if added to is the rebuilding, remodeling, and addition conform to the area requirements of this Ordinance.
2. Structures other than residential when rebuilt, shall not cover more than 1/3 of the lot area with the remainder of the lot area being made available for on-lot parking and loading and unloading.

Art. 3-4 Occupations Permitted in Residential Structures Utilized for Residential Purpose in Residential Districts.

- A. Occupation may be carried on in a residential structure in a residential use area only if they comply with all of the following:
1. Do not require the sale of commodities on the premises that are not produced on the premises.
 2. Do not involve the use of commercial vehicles.
 3. Do not require the use of more than two rooms otherwise normally considered as living space.
 4. Do not require the use of any accessory building or yard space of an activity outside the main structure not normally associated with residential uses.
 5. Do not involve the display of goods and services.
 6. Do not have a sign in excess of four square feet to denote the business, occupation or profession, and such sign must be attached to the structure.
 7. Are approved by the enforcement officer as meeting all of the above requirements.
- B. A profession or service carried on in a residential structure or accessory building in a residential use area at the time of the adoption of this ordinance must comply with the regulations established in Art. 3-4 A within one year of the date of the passage of this ordinance or said business, occupation or profession shall be deemed in violation of this Ordinance.

Art. 3-5 Lot Area

- A. On any lot separately owned in a residential use area at the time of passage of this Ordinance and retained in continuous separate ownership, a one family structure may be erected even though the lot be of less width or area than required by the regulations of the residential use area in which the lot is located provided all other area requirements are met.

Art. 3-6 Area Not to Be Diminished

- A. The lot or yard areas required by this Ordinance for a particular building or use at the time of passage of this Ordinance or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space or yard area of any other building or use. If the lot, open space or yard areas required by this Ordinance for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this Ordinance.

Art. 3-7 Vision Clearance

- A. On any corner lot on which a front yard is required by this Ordinance, no wall, fence, or other structures shall be erected and no hedge, tree, shrub, or other growth shall be maintained in such required yard space between the intersecting lot (property) lines joining points in such line 15 feet from their intersection, so as to cause danger to traffic by obstructing the view. This article shall not be interpreted to apply where the front yard level is at such height as to be above the line of sight of a driver in a motor vehicle.
- B. This provision shall not apply to trees whose foliage is above a line of sight 6 feet above the crown of the street.
- C. The provision of this article shall apply to all affected property within the limit of the city of Conway within 90 days after the effective date of this Ordinance.
- D. The City may remove after expiration of the 90 days any obstruction to vision by fence, hedge, tree, shrub, or other growth after giving 10 days notice to the property owner, lessee, or tenant.

Art. 3-8 Billboards and Signs

- A. Only traffic signs installed by the State Highway Department, the County Road Department and the City Street Department may be erected in the right-of-way of a public street.

CHAPTER 4 - BOARD OF ADJUSTMENT

Art. 4-1 Organisation

- A. A Board of Adjustment is hereby established to consist of three members to be nominated by the Planning Commission and confirmed by the City Council. One (1) member of the first Board shall be appointed for (2) years; one (1) for (3) years, and thereafter all members shall be appointed for terms of three (3) years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant in the same manner as the original appointments.
- B. Upon appointment and annually thereafter the Board shall meet, organize, and elect its own chairman who shall serve for one year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board, who shall be approved by the Planning Commission and who shall hold office until relieved by the Board and who shall receive such compensation from the City of Conway as may be affirmed from time to time by the City Council.

Art. 4-2 Meetings

- A. Meetings of the Board shall be held at such times and at such place or places within the City of Conway as the Board may designate, but said Board shall meet at least once each calendar quarter and may meet at any time on call of the chairman.
- B. The Board shall keep minutes of its proceedings which shall contain as a minimum:
 - 1. Time, date, and place of meeting.
 - 2. Names of members present.

Citation, by number and description, of appeal or application.

Pertinent facts of the case.

5. Names of persons appearing and their interest in the case.
6. Record of vote by name.
7. Authority for decision (cite ordinance or statute) and reasons for conditions imposed.

The minutes of the meeting shall be filed in the office of the City Clerk and shall be public record.

- C. The presence of all three members shall be necessary to constitute a quorum and the concurring vote of all members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning ordinance, or to authorize a variance from such regulation.
- D. The secretary of the Board shall notify each member of the Board of the schedule or called meeting seven days in advance of the date of the meeting, by mail or in person.
- E. Any member of the Board who fails to be in attendance at two consecutive scheduled meetings shall have his appointment declared vacated and a new member shall be selected as provided in Art. 6-1 of this chapter.

Art. 4-3 Appeals

- A. The Board shall hear appeals from an administrative decision of the enforcement officer who shall be designated by the City Council concerning interpretation of the Zoning ordinance and shall decide whether such interpretation was in error or not.

Art. 4-4

- A. When a property owner can show that a strict application of the terms of this ordinance relating to construction or alteration of buildings or structures will impose upon him practical difficulties or particular hardships, the Board may grant variances from the ordinance if the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such district in which the property is located. Variances may be granted in the following instances only:

1. Where by reason of exception narrowness, shallowness, depth, or shape of a specific piece of property of record on the date of the passage of this ordinance, or where, by reason of exceptional topographic or physiographic conditions or other exceptional situation or condition of a specific piece of property, the strict application of any provision of any of this ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property so as to constitute virtual confiscation of such property as distinguished from mere inconvenience to such owner; provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.
- B. In granting a variance, the Board of Adjustment may impose such conditions as are necessary to protect the public health, safety, or welfare, in accordance with the purpose and intent of the zoning ordinance.

Art. 4-5 Interpretation of Zoning Map

- A. The zoning map shall be interpreted to establish boundaries of districts when the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts.

Art. 4-6 Appeal from Decision of Board.

- A. Appeal from the decision of the Board of Adjustment shall be to a court of record within 30 days from the decision of the Board.

Art. 4-7 Notices and Fees

- A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the applicant or applicants a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once nor less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in Conway, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.
- B. The appellant or applicant shall be required to pay to the City Clerk a filing fee of five (5) dollars to cover such other costs as may be incurred in connection with such appeal or application.

CHAPTER 5 - AMENDMENTS

Art. 5-1 Amendments

- A. The zoning ordinance shall be amended in conformance with statutory requirements.
- B. The City Planning Commission shall establish the procedures for processing requests for revision in the zoning ordinance.
- C. No application for change of zoning for a given property may be re-submitted within twelve (12) months from the date of action by the Commission finds that a substantial reason exists for waiving this limitation.
- D. The applicant for a change of zoning shall be required to reimburse the City of Conway for cost of public notice and the conduct of the public hearing.

CHAPTER 6 - ENFORCEMENT, USE PERMITS, PENALTY FOR VIOLATION

Art. 6-1 Enforcement

- A. The Provision of this Ordinance shall be administered by the enforcement officer of the City of Conway.
- B. The building inspector will issue a building permit only when the application has been approved by the enforcement officer as meeting requirements of this Ordinance. All applications for building permits shall be accompanied by a plan in duplicate, drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. A record of such application and plats shall be kept in the office of the

City Clerk and submitted to the Planning Commission at the next regular meeting for review.

Art. 6-2 Use Permit

- A. No building permit shall be issued for any building before application has been made for a use permit.
- B. No building hereafter erected or structurally altered shall be used occupied or changed in use until a use permit shall have been issued by the enforcement officer, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of this Ordinance.
- C. Use permits shall be applied for coincidentally with the application for the building permit and shall be issued within 10 days after the erection or structural alteration of such buildings has been completed in conformity with the provisions of this Ordinance. A record of all certificates shall be kept in a file in the office of the City Clerk and copies shall be furnished on request to any persons having a proprietary or tenancy interest in building or use affected.
- D. A use permit shall be revoked by the enforcement officer when it is found that the building or land does not conform to the use or conditions, if any, in the certificate. Each day a use continues after revocation of the certificate shall be considered a violation of this Ordinance and shall be punished as provided herein.

Art. 6-3 Penalty for Violation:

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred (100) Dollars. Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, constructor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any violation shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

CHAPTER 7 - SEVERABILITY

Art. 7-1 Severability:

The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, sentence, or clause of this Ordinance shall be held invalid, the invalidity of such section, paragraph, sentence, or clause, shall not affect the validity of the remainder of the said ordinance.

CHAPTER 8 -

Art. 8-1 EFFECTIVE DATE

This Ordinance, being necessary for the protection of the property of the citizens of the City of Conway, Arkansas, and for the preservation of the public welfare, and emergency is hereby declared to exist and this ordinance

shall take effect and be in force from and after its passage and publication.

Passed August 27th 1957

APPROVED M. M. Satterfield
Mayor

ORDINANCE NO. A -326

AN ORDINANCE AMENDING ARTICLES 2-4, 2-5, and 4-5 OF ORDINANCE NO. A-319, ADOPTED THE 27th DAY OF AUGUST, 1957.

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

SECTION ONE (1). That Article 2-4 of Ordinance No. A-319, adopted by the City Council of Conway, Arkansas, on August 27th, 1957, be amended to read as follows:

"Art. 2-4. Retail-Commercial Use District

- A. Permitted Uses Zone Area Number B-1
 - 1. Retail establishments providing goods and services
 - 2. Office and bank buildings and uses
 - 3. Processing and manufacturing that by reason of operation are not a nuisance in respect to noise, odor, dust, vibration, etc.
 - 4. Wholesaling and warehousing
 - 5. Bulk storage of non-combustible materials
 - 6. Hotels, motels, tourist courts, trailer courts, etc.
 - 7. Automotive service, repair, and storage
 - 8. Places of public assembly
- B. Permitted Uses Zone Area Number B-2
 - 1. All uses permitted in Zone Area Number B-1
 - 2. Residential structures permitted in Residential Use Districts.
- C. Zone Area Number B-1
 - 1. Height
 - a. Maximum - 6 stories
 - 2. Rear Yard
 - a. Minimum - 15 feet from property line or center of alleys where one exists.
 - 3. Loading and Unloading
 - a. Loading and unloading facilities shall be provided so as not to block any public way.
 - 4. Fire Limits
 - a. The fire limits of the City of Conway, Arkansas, shall conform to Retail-Commercial Use District - Area Number 1.
- D. Zone Area Number B-2
 - 1. Height
 - a. Maximum - 2 stories and not to exceed 40 feet.
 - 2. Yards
 - a. Minimum - 10 feet from all property lines. On

property abutting a street 25 feet from property line or 50 feet from center of street, whichever is greater.

3. On-Lot Parking

- a. On-lot parking facilities shall be provided for employees and trade.

4. Loading and Unloading Facilities

- a. Loading and unloading facilities shall be provided as as not to block any public way.

E. Places of Public Assembly

1. Place of public assembly shall meet the requirements for places of public assembly in 1E."

SECTION TWO (2). That Article 2-5 of said Ordinance No. A-319 be amended to read as follows:

A. Uses Permitted:

1. All uses permitted in the Retail-Commercial Use District Zone Area Number 1.
2. The manufacturing, compounding, processing, packaging, or assembling of such products prohibited in Retail-Commercial Use District when it is found by the enforcement officer that the specific location and the safeguards taken will so reduce the noise, dust, odor, or vibration so as not to be detrimental or dangerous to the health, safety, or general welfare of the people.
3. Storage of bulk materials which are prohibited in Retail-Commercial Use District when it is found by the enforcement officer that the specific location and the safeguards taken will so reduce the danger of fire or explosion as not to be dangerous to the health, safety, or general welfare of the people.

B. Residential Use Prohibited:

1. No structure may be constructed for or converted to residential use.

C. Area:

1. Lot coverage: No structure or structures may cover more than 33 1/3 per cent of the lot area.

D. Yards:

1. All structures shall be built at least 25 feet from all property lines, except that where property abuts railroad where dicing facilities are utilized, structure may be built up to the property line.

E. Height:

1. Maximum Height: 2 stories and not to exceed 30 feet.
2. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and the structure to house the operation require greater height.

F. On-Lot Parking:

1. Adequate on-lot parking space shall be provided for employees.

G. On-Lot Loading and Unloading Facilities:

1. Each structure or use shall provide on-lot loading and unloading facilities which will not block a street, alley, or other public way."

SECTION THREE (3): That Article 4-5 of said Ordinance No. A-319 be amended to read as follows:

- A. The zoning map shall be interpreted to establish boundaries of districts when the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts.
- B. The Board shall have the authority to designate the district of a lot or parcel when a zone boundary passes through said lot or parcel.

SECTION FOUR (4). All other provisions of said Ordinance No. A-319 not hereby amended shall be and remain in full force and effect as previously adopted.

SECTION FIVE (5). The ordinance being necessary for the immediate preservation of property and of the public welfare an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and publication.

ORDINANCE NO. A-337

AN ORDINANCE CREATING THE OFFICE OF CITY INSPECTOR; DECLARING THE DUTIES THEREOF; PROVIDING FOR PROCUREMENT OF PERMITS FROM SUCH INSPECTOR; DECLARING A PENALTY FOR VIOLATIONS THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

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

SECTION 1. There is hereby created the office of City Inspector of the City of Conway, Arkansas.

SECTION 2. The City Inspector shall be appointed by the City Council and he shall serve until such time as he may resign, die, or shall be removed from said office for misconduct or other good cause. He shall take the oath required by law and shall execute a bond with sureties thereon to be approved by the City Council, in favor of the City of Conway, in the penal sum of \$2,000.00 for the faithful performance of his duties.

SECTION 3. The City Inspector shall issue all building, land use, electrical, plumbing and other such permits required to be issued by the ordinances of this City, except those required to be issued by the Mayor or City Clerk, and shall collect the fees therefor. And when and as required by the ordinances of the City he shall inspect and examine the construction, erection, repair and remodeling of all buildings within said City, and shall inspect, examine and test all electrical wiring for the transmission of electrical current, all connections and installations of pipes, lines and fixtures for water, sewer and gas, and shall strictly enforce all ordinances affecting and regulating the repair, installation, alteration, erection or construction of all buildings, electrical wiring, and lines for water, sewer and gas. The City Inspector shall maintain a permanent record of all permits issued and fees collected, together with a record of all inspections made by him and the result thereof. All fees collected by the City Inspector shall be made by him with the City Treasurer no less often than one time each thirty days. Said inspector shall have such powers and shall do and perform such acts and duties as may be now or hereafter

required by any ordinance of the City of Conway, and for his services as such inspector he shall receive such sum as may be established by the City Council.

SECTION 4. It is hereby declared to be unlawful for any person, firm or corporation to build, re-build, remodel, repair or alter any building within the City of Conway, or to connect, install, repair or alter in any manner whatever any wiring, equipment or apparatus for the transmission or utilization of electric current, or to connect, lay or install any line, pipe, or fixtures for water, sewer or gas within said City without first having obtained from the City Inspector a permit therefor.

SECTION 5. The City Inspector shall charge and collect, prior to issuance of any permit, such fees as may now or hereafter be required by the ordinances of the City of Conway for the permit for which application is made, and the applicant for any such permit shall submit his application therefor in the manner as may now or hereafter be required for the permit applied for.

SECTION 6. It is hereby declared that violations of this ordinance shall constitute a misdemeanor and any person, firm or corporation violating same shall, upon conviction thereof, be fined in any sum of not less than \$25.00 nor more than \$100.00, or be imprisoned for a period of not more than 10 days, or by both such fine and imprisonment. Any fine and/or imprisonment so imposed shall not relieve such person, firm or corporation from taking out the permit required to be issued, but each day such violation shall continue to exist shall constitute a separate offense and shall be punished as such.

SECTION 7. Should any word, clause, sentence, paragraph of section of this ordinance be declared unconstitutional or invalid for any reason, it is the intention of said City Council that said ordinance would have been adopted without the inclusion of such portion hereof, and that the remainder of same be valid.

SECTION 8. Ordinance No. A-75-B, Ordinance No. A-68, Ordinance No. A-69, Ordinance No. A-150, Ordinance No. A-199, Ordinance No. A-235, and Ordinance No. A-227, all adopted by the City Council of the City of Conway, Arkansas, are hereby declared to be in conflict with this ordinance and same are hereby repealed. All other ordinances or parts of ordinances in conflict herewith are hereby repealed. Provided, however, it is the intention of this ordinance that the office hereby created shall be and constitute the only office within said City which is empowered to do and perform the duties herein set forth, and to that end it is the declared purpose hereof that the various offices heretofore created for such purposes be consolidated into the one office hereby established. To that end Ordinance No. A-285, adopted December 11, 1953, Ordinance No. A-291, and Ordinance No. A-292, both adopted the 24th day of February, 1954, Ordinance No. A-319, adopted August 27, 1957, and Ordinance No. A-334, adopted the 25th day of November, 1958, are hereby amended in such manner as to consolidate into the office herein created, the various inspectors in each of these ordinances established.

SECTION 9. This ordinance being necessary for the preservation of the public safety and welfare, an emergency is hereby declared to exist, and this ordinance shall take effect and be in force from and after its passage and publication.

PASSED: this 27th day of January, 1959.

APPROVED: Edger B. Parker
Mayor