

ORDINANCE NO. 0-00-87

An Ordinance establishing an Interim Design Overlay District for the Hogan Road/McNutt Road/Old Military Road Corridor, Prince Street, and Dave Ward Drive/Hwy 60 urban corridors pursuant to the design overlay authority adopted in Ordinance 0-99-72 of the City of Conway, Arkansas and declaring an emergency.

WHEREAS, the City of Conway is committed to the Implementation of its Comprehensive Land Use Plan, Zoning Ordinance, Subdivision Ordinance, Parking and Sign Ordinances, and

WHEREAS, the standards established in those ordinances are applied city wide and may not achieve the developmental standards desired and/or wished in specific areas of the city; and

WHEREAS, the Conway City Council passed an ordinance providing for the creation of Design Overlay Districts in order to provide more appropriate enhancement and protection to specific areas in the city; and

WHEREAS, the Design Overlay District for Hogan Lane/McNutt Road/Donnell Ridge Road/Old Military Road Corridor (hereafter referred to as "Hogan Corridor"), Prince Street, and Dave Ward Drive/Hwy 60 (hereafter known as "Dave Ward Drive") is not a substitute for Conway's planning and development ordinances but is an effort to make those ordinances more effective; and

WHEREAS, the City of Conway desires to have these urban corridors comprehensively developed with increased developmental standards for aesthetics and sustainability, as well as marketability purposes; and

WHEREAS, it is recognized that Hogan Corridor, Prince Street and Dave Ward Drive are subject

to current growth pressures; and

WHEREAS, the establishing of complete, detailed, permanent standards of the Overlay District will be a long process of study meetings and hearings to develop the final standards; and

WHEREAS, the City Council is aware of the need to establish interim overlay standards before development advances in such a way as to negate the purposes of the Overlay District.

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

SECTION 1. Pursuant to Ordinance 0-99-72 an interim urban corridor design overlay district for Hogan Corridor, Prince Street, and Dave Ward Drive is hereby established as follows:

A. The Suburban Arterial Overlay District is hereby established for the purpose of enhancing and protecting the aesthetics, sustainability, and marketability of the lands surrounding this area. In particular, the purposes of this district are:

- 1. To create a parkway/scenic corridor atmosphere with extensive landscaping and buffering.**
- 2. To create a uniform development pattern which would facilitate transition of areas from less to more intense land uses without the undesired effects of small lot and/or strip development.**
- 3. To protect property values in those areas and in the areas surrounding and accessed by this corridor through the protection and enhancement of its scenic and aesthetic qualities.**

B. District Boundaries

The district boundaries are as follows:

Dave Ward Drive: The district encompasses all the land with Dave Ward Drive frontage lying within 300 feet of each side of the right-of-way from the western boundary of the intersection of Interstate 40 and Dave Ward Drive to the eastern abutment of the Arkansas River bridge over the Toad Suck Ferry Lock and Dam.

Prince Street: The district encompasses all the land with Prince Street frontage lying within 300 feet of each side of the right of way from the western boundary of the intersection of Donaghey Avenue and Prince Street to the eastern boundary of the Dave Ward Drive and Prince Street intersection.

Hogan Corridor: The district encompasses all the land with Hogan Road, McNutt Road, Donnell Ridge Road and/or Old Military Road frontage lying within 300 feet of each side of the right of way from the southern boundary of the intersection of Old Morrilton Highway (Highway 64) and Hogan Lane through the northern boundary of the intersection with Donnell Ridge Road, all land with Donnell Ridge Road frontage lying within 300 feet of each side of the right of way, from a point on Donnell Ridge Road 300 feet west of the western right of way of McNutt Road to 300 feet east of the eastern right of way of Old Military Road, and all land with Old Military Road frontage lying within 300 feet of each side of the right of way of Old Military Road from the southern boundary of the intersection of Donnell Ridge Road and Old Military Road to the southernmost city limits or the territorial jurisdiction which ever is to the greatest extent applicable.

C. Application of District Regulations

The regulations in this ordinance shall overlay all other zoning districts and other ordinance requirements regulating the development of land so that any parcel of land lying within the overlay district shall also lie within one at least, if not more, other underlying zoning or developmental districts. Therefore, all property within this overlay district will have the requirements of both the underlying and overlaying zoning districts in addition to the other ordinance requirements regulating the development of land. In cases of conflicting standards between this

ordinance and other City of Conway ordinances, these overlay requirements shall control. In case of conflicting standards between the requirements on Dave Ward Drive and the requirements on Prince Street or in case of conflicting standards between the requirements on Hogan Corridor, and the requirements on Dave Ward Drive, the requirements on Dave Ward Drive shall control. In case of conflicting standards between the requirements on Prince Street and the requirements on Hogan Corridor, the requirements on Prince Street shall control.

These regulations apply to all development, redevelopment, or expansion of existing development with the exception of single family development in residential zones.

D. Site Design and Development Standards

1. Area: All developments shall meet the following minimum area requirements exclusive of public street right of way:

- Dave Ward Drive 2 acres
- Prince Street 30,000 square feet
- Hogan Corridor 30,000 square feet

2. Front Building Setback – *Unless otherwise allowed under the provisions of the exceptions shown in this section* all principal structures and accessory buildings are required to have the following setbacks from the property lines abutting their respective street rights of way.

- Dave Ward Drive: 75 feet
- Prince Street: 35 feet
- Hogan Corridor: 35 feet

Exceptions: Principal structures and accessory buildings may be built up to the edge of the landscape street buffer as established in section 4 below if the following conditions are met:

- All parking must be located in the areas behind a line established by the rear wall of the buildings taking advantage of this modified front setback.
- The front wall of the building must have a public entrance with a sidewalk connecting to the sidewalk system along the street.

3. **Rear and Side Yard Building Setbacks:** Rear and side yard building setbacks shall be required. When adjoining R-1 and SR residential property, no parking, driveways, or loading docks shall be permitted within the setbacks except for joint access driveways among adjoining properties. The setbacks are as follows:

	<u>Rear</u>	<u>Side</u>
Dave Ward Drive	35 feet	25 feet
Prince Street	25 feet	20 feet
Hogan Corridor	25 feet	20 feet

4. **Landscaping Treatment – a landscaped street buffer shall be required. No parking shall be permitted within the buffer. The street buffer dimensions shall be:**

- Dave Ward Drive – 20 feet minimum landscaped buffer, exclusive of right of way
- Prince Street – 15 feet of landscaped buffer for the first 500 feet of lot depth, 5% additional buffer for all depth greater than 500 feet with a maximum landscaped buffer of 40 feet.
- Hogan Corridor – 15 feet of landscaped buffer for the first 500 feet of lot depth and 5% additional buffer for all depth greater than 500 feet with a maximum landscaped buffer of 40 feet.

Landscaping treatment shall be as follows:

- a. The landscaped areas shall attempt to incorporate existing on site trees and shrubbery into the landscaping schemes and the plans shall indicate such incorporation.**
- b. Erosion retardant vegetation shall be used on all cuts and fills, where necessary.**
- c. The species planted within this corridor should be compatible with other species present.**
- d. The landscaped areas along streets shall contain berms or other alternative screening methods except for access points. Such screening at any point shall be no less than three (3) feet in height above the higher of the street curb elevation or the elevation of the interior edge of the landscaped buffer as measured on a line perpendicular or radial to the street centerline. Natural terrain may be used as screening if it achieves the above standard. Alternative screening methods must be approved by the Planning Department and shall include organic features.**
- e. Within the landscaped area, newly planted and/or existing trees shall be no more than thirty (30) feet apart, and at the time of planting, have a trunk that is a minimum of two (2) inches in diameter when measured twelve inches from the ground.**
- f. Interior Rear and Side yards shall have a landscaped buffer requirement as follows:**
 - 1. Where such yards abut**

land zoned R-1 and SR residential, the entire building setback must be landscaped.

2. For yards abutting all other residential and for yards abutting agricultural and institutional zones, a ten (10) foot landscaped buffer is required.

3. Where such yards abut property zoned office, a ten (10) foot landscaped buffer is required.

4. Where such yards abut lands zoned commercial or industrial, a seven (7) foot landscaped buffer is required.

5. **Signage – Free standing signs in this overlay district shall be no more than sixty-four (64) square feet in area per side, and no more than eight (8) feet in height. Each landowner will be permitted to erect one (1) sign per parcel per street frontage. A sign shall have no more than four (4) readable sides. These shall be “monument” signs meaning no horizontal dimension of any face of the sign may deviate more than 20% through its entire height. All signs shall otherwise adhere to the Conway Sign Ordinance.**

6. **Curb Cuts – Curb cuts on Dave Ward Drive are subject to the Access Management agreement with the Arkansas Highway and Transportation Department and Metroplan. For Prince Street and the Hogan Corridor curb cuts can be no less than 200 feet apart and no closer than 100 feet from the closest side lot line except by joint access agreement with adjoining property owner. No curb cut can be within one hundred twenty-five (125) feet of any intersection. These regulations apply to all parcels in regard to side streets as well. Developers shall**

provide internal access to out parcel tracts.

7. **Lighting and Utilities – Parking lot and building lighting shall be designed in such a manner so as to not disturb the scenic appearance of the corridor. Parking lot lighting shall be directed to the parking areas and not directed or reflected into the adjacent neighborhoods. When a parcel abuts residential property, no light source shall be visible, in a direct line of sight, from the residential area behind the front building line. *No parking lot or building lighting structure shall be more than twenty (20) feet in height. All utility service lines in front of the rear line of the building shall be underground. Notwithstanding the foregoing limitation, no overhead utility services to a development shall be constructed within one hundred (100) feet of the corridor right of way. Provided, however, that nothing in this Ordinance shall effect the placement of electric transmission, primary electric distribution, or cable television distribution lines.***

8. **Number of Buildings Allowed Per Site – The maximum number of buildings per site for non-residential developments shall be as follows:**

Dave Ward Drive

Each lot is allowed one building

Prince Street and Hogan Lane

**Each lot is allowed one building.
Each tract is allowed multiple lots.**

E. For all non-residential developments,

whether on one or more platted lots, the requirements of this ordinance shall apply to the development as an entire tract rather than to each platted lot.

F. Developments of this type, in these corridors, shall be reviewed by the Planning and Permitting through a site review process to ensure compliance with this and other applicable ordinances.

G. Exceptions

The following exceptions shall apply to this ordinance:

- 1. Property for which a variance from this ordinance is sought or property which can not be developed without violating the standards of this ordinance, as determined by the Planning Department, may seek a variance from the specific regulations of this ordinance from City Council.**

- 2. The City Council recognizes property that has been zoned and/or subdivided under previous zoning and developmental ordinances may require a variance from the provisions of this ordinance. Every effort should be made to comply with this ordinance while ensuring the developmental potential of the property. Appeals to the regulations in this ordinance for these recognized exceptions may be made to the City Council.**

- 3. The City Council recognizes a property owner may have invested significant time, effort and expense in a project that this ordinance would prohibit. If such actions took place prior to the passage of this ordinance and if adequate documentation can be established for the time at which those actions took place, such findings could serve as adequate justification to grant a preexisting status to the development and exempt it from the provisions of this ordinance. All pre-existing developments will have two (2)**

months from the passage of this ordinance to be recognized as "pre-existing".

SECTION 2. The mayor is directed to form a committee of two alderman and two (2) planning commissioners and himself to thoroughly review these corridors and prepare a report on the recommendations for permanent overlay standards within nine (9) months of the passage of this ordinance.

SECTION 3. That this ordinance is necessary for the protection of the public peace, health, and safety and as an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 27 day of June 2000.

APPROVED:


Mayor Tab Townsell

ATTEST:


City Clerk Michael O. Garrett

