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D. C.



City of Conway, Arkansas

Ordinance No. O-11-100

AN ORDINANCE REPEALING O-00-22 STANDARDS FOR INTERIM, CONSTRUCTION, AND TEMPORARY BUILDINGS; AMENDING THE CONWAY ZONING ORDINANCE O-94-54 TO INCLUDE AND AMEND STANDARDS FOR ACCESSORY AND PREFABRICATED BUILDINGS, PARTICULARLY, INTERIM, CONSTRUCTION, AND TEMPORARY BUILDINGS:

WHEREAS, it is desirable to establish appropriate standards for accessory, temporary and prefabricated buildings and their use, and

WHEREAS, it is desirable to clarify existing standards for accessory, interim, construction, and temporary buildings;

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

SECTION 1. Definitions: The following definitions shall be added or revised alphabetically to the Conway Zoning Ordinance, Article 301, Definitions, Section 301.2

Accessory: A use that is subordinate to and incidental to the primary use on the same lot.

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.

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.

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.

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.

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.

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.

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.

SECTION 2. Article 601, Special Provisions, Section 601.2 Accessory Buildings: General, Location, Maximum Rear Yard Coverage shall be replaced and amended as follows:

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 3: That Ordinance No. O-00-22 is hereby repealed in its entirety and any and all other ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 22nd day of November, 2011.

Approved:



Mayor Tab Townsell

Attest



Michael O. Garrett
City Clerk/Treasurer