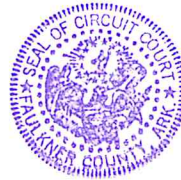


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CRYSTAL TAYLOR
CIRCUIT CLERK
BY: DIANA VARNER, D.C.

ORDINANCE
3 Pages

City of Conway, Arkansas
Ordinance No. O-19-50

AN ORDINANCE AMENDING THE CONWAY SUBDIVISION ORDINANCE NO. O-00-03 ARTICLE V, SECTION 9, PART 10; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Whereas, Ordinance O-18-40 amended the Subdivision Regulations, Ordinance O-00-03, to modify the process for calculating sidewalk in-lieu fees to ensure those fees more accurately reflect costs of construction; and

Whereas, it is desirable to ensure those fees do not increase drastically from year to year.

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

Section 1. That ARTICLE V Improvements SECTION 9, Sidewalks, PART 10 of the Subdivision Ordinance for the City of Conway as adopted by Ordinance No. O-18-40 is hereby amended to read as follows:

“The subdivider/developer may request a waiver from the sidewalk construction requirements. Such waivers shall only be approved for unusual circumstances. The following factors shall be considered in order to determine whether or not to grant a waiver request by the subdivider/developer:

- A. ARDOT determination that a sidewalk is not allowed within state right-of-way.
- B. Pedestrian traffic generators such as parks and schools in the area.
- C. The existence of a sidewalk network in the immediate area.
- D. The density of current and/or future development in the area.
- E. The amount of pedestrian traffic likely to be generated by the proposed development.
- F. Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which drainage ditches, trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk.
- G. The design of the subdivision such that utilities, the location of structures, rights of way, easements, etc., create conditions making sidewalks impractical.

The Director of Planning and Development shall have the authority to grant such waivers, or may defer requests to the Planning Commission. Action by the Director of Planning and Development may be appealed to the Planning Commission.

If a waiver is granted, the subdivider/developer shall contribute funds in lieu of sidewalk construction equal to the four-year rolling average of the “WEIGHTED AVERAGE” amounts listed for “CONCRETE WALKS” in the four most recent editions of the “Arkansas Department of Transportation Weighted Average Unit Prices”. This in-lieu fee shall be subject to a maximum fee equivalent to one hundred fifty (150) feet of street frontage per lot for lots intended for single-family or two-family dwelling uses. There shall no maximum fee for lots containing or intended for other uses.

The funds shall be deposited into a general sidewalk fund to be used solely for the addition of new sidewalks and maintenance of the existing sidewalk network. The dispersal of funds from this sidewalk fund shall be at the direction of the Conway City Council.

The Planning Commission may also grant a waiver to construct an internal pedestrian trail system in lieu of the required sidewalks. The pedestrian trail right of way shall be clearly noted on the final plat. Specifications for the right of way width, trail pavement, and other specifications shall be determined by the City Engineer and Director of Planning and Development.”

Section 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

Section 3. That this ordinance is necessary for the protection, peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 28th day of May, 2019

Approved:

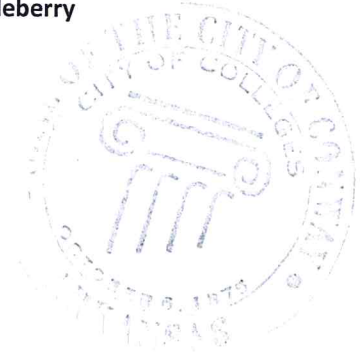
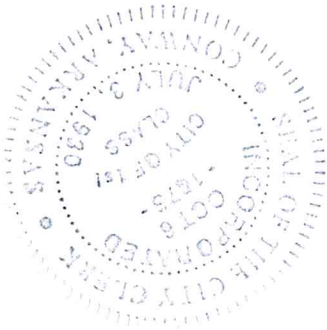


Mayor Bart Castleberry

Attest:



Michael O. Garrett
City Clerk/Treasurer



CERTIFICATE

**STATE OF ARKANSAS
COUNTY OF FAULKNER
CITY OF CONWAY**

I, Michael Garrett, the duly elected, qualified, and acting: Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the attached and foregoing is a true and correct copy of an ordinance presented to the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 28th day of May, 2019 same is duly recorded in the minutes of meeting of said Council.

Witness, my hand, and seal of the City of Conway, Arkansas this 31st day of May, 2019.


CITY CLERK-TREASURER

