

## ORDINANCE NO. 0-91-54

### AN ORDINANCE ESTABLISHING MINIMUM REQUIREMENTS AND STANDARDS FOR PARKING LOTS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

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

**Purpose:** The purpose of the ordinance is to reduce curb cuts on city streets, to reduce accidents caused by backing out of parking lots into streets, to make parking lots more attractive and thereby improve their value, to improve traffic flow and to provide more attractive green space.

**Applicability:** This ordinance shall apply to all new parking lots. When existing areas are expanded and require permits, this ordinance shall apply to the parking lots serving those areas. The ordinance will not apply to street parking or to lots where maintenance only is being done or to parking lots for one or two family dwellings.

**Requirements for Side Areas:** If the parking area is within 40 feet of a property line some landscaping must be done. A four-foot wide perimeter strip, planted with grass or covered with an attractive ground cover, must be left between the parking lot and the property line. Trees or shrubs must be planted in such perimeter areas to provide at least one tree or shrub for every 40 ft. of perimeter strip and shall provide a minimum vertical eight ft. height clearance to the lowest limb. A 5-6 ft. barrier (live or not) must be provided if the lot adjoins a residential area to ensure the privacy of the residence. Access between adjoining lots may be provided by drives no greater than 40 ft. wide. Concrete curbing is required around all planted areas and all strips.

**Requirements along Public Right-of-way:** A six foot strip between any parking lot and a public right-of-way or a six foot strip between any street curb and property line, provided that a five foot setback is maintained between the street curb and parking lot. Trees, curbing and plantings are required as above. Access curb cuts to parking lots from the streets shall not exceed 40 ft. in width and may be no less than 40 ft. apart, *except for curb cuts for driveways serving specific single-family residences on a lot on which a horizontal property regime has been established. In such cases, the curb cuts shall not exceed forty-four (44) feet in width and may be no less than eighteen (18) feet apart. (Ordinance No. O-01-05)* Access curb cuts must be at least 50 ft. from the nearest street intersection to minimize traffic hazards at intersections. Exceptions may be granted only by the city council. *The fee for any application for an exception or variance shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable. (Ordinance No. O-07-121)*

**Safety:** Lots shall be laid out so as to discourage backing into public streets, except for local streets. As identified in the Conway, Arkansas master street plan year 2005 and future amendments or city council approval.

**Interiors:** Five per cent (5%) of the interior of lots having more than 25 spaces shall be devoted to landscape plantings. Such planted areas shall contain at least 80 sq. ft. and include one tree or shrub per 25 parking spaces, evenly distributed throughout the lot. Appropriate ground cover, including low shrubs which shall be maintained less than 30 inches tall should be used in planted areas.

All plantings will count toward the minimums required for side areas and right-of-way areas. Property owner shall be responsible for planting and maintenance of grass only on the right-of-ways abutting his property. No trees or shrubs shall be planted on the five-foot setback between the street curb and the six- foot strip.

The intent is to exclude industrial storage and work areas from the requirements for interior coverage; therefore, industrial yards and compounds used for storing materials, manufactured products, equipment, and/or for truck loading and unloading shall be excluded from interior landscaping requirements.

**Pavement:** All parking lots shall be surfaced with a durable asphalt material or concrete. Minimum specifications are on file in the planning department. Chapter 9.04 Minimum Standards For Construction of the Conway Municipal Code shall be complied with in paving operations and thicknesses.

**Maintenance:** Plants, trees and ground cover appropriate for this climate shall be used. It is intended that this ordinance improve the visual quality of public parking lots and that lot owners maintain the lot, plantings, curbs and ground cover with that goal in mind.

**Exceptions:** The interior requirements of this ordinance may be waived in those cases where storage and loading areas are the primary usage of the lot.

**Permits:** Permits will be granted only after a detailed plan has been submitted. Work must be started within 120 days of the permit date and must be continued until completion. All existing safety requirements for public construction must be met. A Certificate of Compliance must be issued upon completion and before occupancy can begin. An on-site inspection must be made before the Certificate of Compliance may be issued.

**Fees:** A fee of \$25.00 will be charged for all permits for lots of less than 26 spaces. \$10.00 will be charged for each additional 50 spaces or portion thereof. The fees pay for the initial inspection only. Additional inspections will cost \$12.00 each.

**Cash Bond or Surety Bond for Postponed Improvements:** When the then current season of the year is not conducive to sustaining life for trees and plants required hereunder, and/or it would be advantageous for the paving base to have longer to set up prior to paving, compliance with these provisions may be postponed for not more than one year, and a temporary certificate of occupancy issued and/or electrical power connected to a related structure conditioned on the owner and/or developer posting a cash or surety performance bond or letter of credit payable to the City of Conway in an amount equal to the estimated cost of the postponed improvements. Estimates of landscaping costs shall be prepared by a Landscape Contractor. Failure to complete such postponed landscaping within any such one year postponement period shall effect an automatic forfeiture of the bond or letter of credit; provided, however, such forfeiture shall not relieve the owner and/or developer from complying with the provisions of this ordinance.

**Validity:** That in the event any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby; and it is intended that every other section, paragraph, sentence, clause, and phrase of this Ordinance shall remain and be in full force and effect.

**Emergency Clause:** That it is ascertained and declared that it is necessary for the Public peace and welfare of the citizens of the City of Conway, Arkansas, 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 10<sup>th</sup> day of December, 1991.

Approved:



Mayor

Attest:



City Clerk

ORDINANCE NO. 0-91-59

AN ORDINANCE AMENDING SECTION 1.08.01 "RULES FOR CONSTRUCTION" OF THE CONWAY MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

THE FOLLOWING DEFINITIONS ARE HEREBY ADDED TO SECTION 1.08.01 OF THE CONWAY MUNICIPAL CODE;

**Curb Cut:** Any access to a parking lot from any right-of-way of any street, road, highway, or alley or from any other parking lot.

**Earth Berm :** A mounding of soil volume, or the alteration of existing plants in order to create a screen or change in elevation from the elevation of the use area to adjacent areas. Earth berm must be protected from erosion with suitable plant material, ground cover, and/or lawn grass. Earth berm should not be constructed and/or planted in areas which would destroy existing plants selected to remain in place.

**Ground Cover:** Plant materials which reach a maximum height of not more than eighteen inches and may be used in lieu of grass.

**Hedge:** Self-supporting woody deciduous or evergreen species which are a minimum of eighteen inches in height at the time which are a minimum of installation.

**Lawn Grass:** Species normally grown as permanent lawn in Faulkner County.

**Parking Lot:** All open areas and open spaces on the land which are designated, used, required or intended to be used for storage, parking maintenance, service, repair, display, circulation, or operation of vehicles, including automobiles, busses, trailers, trucks, boats, and motorcycles. This definition is intended to include areas used or intended to be used for driveways to such parking lots, but does not include improvements to public roads, streets, highways, and alleys.

**Parking Lot Permit:** A permit which must be secured from the City of Conway by any person, firm, or corporation as part of compliance with applicable provisions in this ordinance.

**Parking Spaces, Off-street:** A space, not less than nine feet wide and eighteen feet long, with the necessary maneuvering room within private property on private land accessible from a usable street or alley.

**Trees:** Self-supporting woody plants which normally grow to a minimum height of fifteen feet or greater in Faulkner County, and having trunks which can be maintained with over eight feet of clear trunk. Trees are required to have an average mature crown spread of fifteen feet. Trees having an average mature crown spread of less than fifteen feet may be substituted by grouping the same so as to create the equivalent of fifteen feet crown spread. All trees shall have a minimum caliper diameter of two inches at planting.

**Validity:** That in the event any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby; and it is intended that every other section, paragraph, sentence, clause, and phrase of this ordinance shall remain and be in full force and effect.

**Emergency Clause:** That it is ascertained and declared that it is necessary for the public peace and welfare of the citizens of the City of Conway, Arkansas, 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 20<sup>th</sup> day of December 1991.

Approved:

Attest:



Mayor

City Clerk