

## ORDINANCE NO. O- 06 - 139

### AN ORDINANCE CREATING AN OLD CONWAY DESIGN OVERLAY DISTRICT, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

**Whereas**, the City of Conway wishes to preserve the historic character of the older residential areas in Conway by requiring new construction to conform to proper design standards,

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

#### Section 1: Boundaries

The Old Conway Design Overlay District is hereby approved and established by reference for the purpose of enhancing and protecting the aesthetics, sustainability, and the historic nature of Old Conway. Not less than three (3) copies of said ordinance are now filed in the office of the Clerk of the City of Conway, Arkansas. All residential uses inside an area described by the following boundaries unless specifically exempted shall be subject to the regulations contained in this ordinance:

Area: Robins Street west from the Union Pacific Railroad tracks to Donaghey Avenue, thence north along Donaghey Avenue to Bruce Street, thence west along Bruce Street to Western Avenue, thence northward along Western Avenue to College Avenue, thence east along College Avenue to Augusta Avenue, thence north along Augusta Avenue to Robinson Avenue, thence west along Robinson Avenue to Western Avenue, thence north along Western Avenue to Poplar Street, thence east along Poplar Street to Donaghey Avenue, thence north along Donaghey Avenue to Hairston Avenue, thence east along Hairston Avenue to Clifton Street, thence north along Clifton Street to Tyler Street, thence east along Tyler Street to Washington Avenue, thence north along Washington Avenue to Fleming Street, thence east along Fleming Street to Cleveland Avenue, thence south along Cleveland Avenue to Harton Street, thence east along Harton Street to Harkrider Street, thence south along Harkirider Street to Winfield Street, thence west along Winfield Street to Washington Avenue, thence southward along Washington Avenue to Independence Street, thence eastward along Independence Street to Spruce Street, thence continuing eastward along Spruce Street to Sutton Street, thence northward along Sutton Street to Siebenmorgen Road, thence east along Siebenmorgen to Ingram Street, thence south along Ingram Street to Mill Street, thence west along Mill Street to Harkrider Street, thence south along Harkrider Street to Monroe Street, thence east along Monroe Street to Ingram Street, thence south along Ingram Street to Fifth Street, thence west along Fifth Street to Harkrider Street, thence southward along Harkrider Street to Robins Street and the point of beginning.

Less and except the Asa P. Robinson Historic District and any future officially recognized Historic District.

#### Section 2: Establishment of Old Conway Design Review Board:

The Old Conway Design Review Board shall be appointed by the Mayor. This review board shall consist of the following (7) seven members: one (1) Planning Commissioner, four (4) homeowners residing within the boundaries of the Old Conway Design Overlay District, one (1) member of the Asa P. Robinson Historic District Commission, and one (1) citizen of Conway. One (1) architect, City Planner, or professional architectural historian, with knowledge of historic architecture may be retained, as needed, as a consultant to the Board; The Conway Planning Department shall act as staff for this board.

**Term.** Each member shall serve for a term of three years; except that the initial appointments shall be for two members to serve a term of one year, two members to serve a term of two years, and three members to serve a term of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Each member shall continue in office after expiration of his or her term until a successor is duly appointed and qualified.

**Compensation.** No member shall receive compensation for his or her service on the Board.

**Officers.** The Board shall elect officers within the first year and every January thereafter, a chairman, vice-chairman, and a secretary. All officers shall be elected from its own members. Whenever the secretary shall not

attend a meeting of the Board, the Board shall elect a secretary pro-tempore who shall take the minutes of the meeting. The records of the Board shall set forth every determination made by the Board, the vote of every member participating in such determination and the absence or failure to vote of every other member.

**Other Powers.** The Board shall have, in addition to the powers, authority and duties granted to it by this Ordinance, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the City Council.

**Record Keeping and Rules.** The Board shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this Ordinance and prescribe such forms as it shall deem desirable and necessary for the regulations of its affairs and the conduct of its business. The Board shall file a copy of any such rules and regulations with the City Clerk and Planning Department.

### **Section 3. Application for Certificates from the Commission**

**A. Considerations of the Board.** In passing upon cases involving new construction or additions to existing structures, the Board shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Board may in appropriate cases impose dimensional and set back requirements in addition to those required by applicable ordinance or by-law. The Board shall not consider interior arrangements. The Board shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the Old Conway overlay district.

**B. Submission Requirements.** No new building or structure or exterior renovation requiring a building permit or remodeling permit within the Old Conway Design Overlay District shall be constructed or altered in any way that affects exterior architectural features unless the Board shall first have issued a certificate of appropriateness with respect to such construction or exterior renovation.

Any person who desires to obtain a certificate shall file with the Board an application for a certificate of appropriateness in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, materials and other information, as may be reasonably deemed necessary by the Board to enable it to make a determination on the application.

The Permits and Inspections Department shall issue no building permit for new construction of a building or structure or for alteration of an exterior architectural feature within the Old Conway Design Overlay District until the Board has issued the certificate of appropriateness required by this section.

**C. Board Powers and Duties.** The Board shall have the following powers, functions and duties related to issuance of certificates:

1. If the Board determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the Old Conway Design Overlay District, the Board shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness the Board shall record the reasons for such determination and shall notify the applicant of these reasons. The Board may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material, and similar features. Prior to the issuance if any disapproval, the Board may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Board. The Board shall, as feasible, identify sources of additional information, technical assistance and financial incentives, which may eliminate the area of concern. The Old Conway Design Overlay District Pattern Book should be used as a design guide to clarify the requirements of this ordinance. If, within fourteen days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Board, the Board shall issue a certificate of appropriateness to the applicant.

2. Each certificate issued by the Board shall be dated and signed by its Chairman, Vice-Chairman, Secretary, or such other person designated by the Board to sign such certificates on its behalf. Each certificate issued by the Board shall also be accompanied by a document substantiating in sufficient detail, the basis of the determination. Certificates are valid for one full year from the date of issuance and must be revalidated by the Board if substantial work has not been completed by the end of this period.

3. The Board shall file with the City Clerk, Planning Department, and with the City Permits and Inspections Department a copy or notice of all certificates, determinations of disapproval and substantiating documents issued by it.

#### **Section 4. Meetings of the Board**

**A. Voting:** The Board shall hold meetings at the call of the Chairman and at the request of two members of the Board, and in such other manner as the Board shall determine in its rules. A majority of the members of a Board shall constitute a quorum. The concurring vote of a majority of the members of the Board shall be necessary to issue a certificate of appropriateness.

**B. Review of Application:** Planning Staff shall determine promptly, and in all events within fourteen (14) days after the filing of an application for a certificate of appropriateness whether the application involves any exterior architectural features which are subject to approval by the Board. If the Planning Staff determines that such application involves any such features which are subject to approval by the Board, the Board shall hold a public hearing on such application.

**C. Hearing an Application:** The Board shall meet as necessary to review an application(s). Upon the setting of a date, time, and place for the meeting, the applicant shall be notified of said date and time. The applicant shall then follow the procedure outlined below:

1. The applicant shall file an application with the Old Conway Design Review Board for review. Said application shall be filed no less than seventeen (15) days prior to the Old Conway Design Review Board meeting.
2. The applicant must file a legal notice in regard to the proposed change, which must run in the local newspaper at least once no later than fifteen (15) days prior to the public hearing. This public notice must state that a design review is sought, the location of the property by legal description and street address, the time, date, and place of the public hearing. If no street address is available, a description that is clear to the average person will suffice.
3. In addition, the applicant will be required to notify, by certified mail and/or petition, all property owners within two hundred (200) feet as listed on the most recent real estate tax list of the Faulkner County Assessors Office. This applicant shall mail said letter and/or gather signatures no less than fifteen (15) days prior to the Old Conway Design Review Board meeting. In this certified letter and/or petition, the applicant shall state the date and time of the meeting. The postmarked certified receipts and/or petitions shall be submitted to the Planning Department staff not less than ten (10) days prior to the Old Conway Design Review Board meeting along with a simple map showing the location of the property in question and the owners within 200 feet of the property.
4. In addition, the applicant shall post one or more "Design Review" signs on the premise of said property. Such sign(s) shall be clearly visible, unobstructed to the passing general public, and posted on or near the existing front property line not later than fifteen (15) days prior to the public hearing. The applicant shall obtain the disposable sign from the Conway Planning Department and shall pay a fee of seven dollars and fifty cents (\$7.50) for the sign. The fee is not returnable.
5. The Old Conway Design Review Board shall hold one (1) or more public hearings thereon.

Disapproval: If a design is not approved or no determination is made by the Old Conway Design Review Board, the petitioner may appeal such disapproval or inaction to the City Council in writing, stating why he/she considers the Old Conway Design Review Board's findings and decisions to be in error. Such appeal shall be filed with the Planning Department within thirty (30) days of the date the Old Conway Design Review Board disapproves the design review. If such a request is not appealed, the decision of the Old Conway Design Review Board shall be final and no further action on the request shall take place.

## Section 5. Enforcement

Any work started without a certificate of Appropriateness or work found not to be in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Old Conway Design Review Board and/or City staff, the building inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Stop work orders and penalties for non-compliance with such will be enforced according to other applicable laws. A decision shall be made by the Old Conway Design Review Board concerning the stop work order within five (5) business days. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars (\$10.00) to five hundred dollars (\$500) per day, in accordance with state statute. Each day that a violation continues to exist shall constitute a separate offense.

## Section 6: Standards

Proposed new construction, additions, and outbuildings (accessory buildings) 160 square feet or more; requiring a building permit within the Old Conway historic district shall respect and relate to the special character of the district. In making its determination, the Old Conway Design Review Board shall consider without being limited to the following criteria:

1. New construction shall be judged on its compatibility with the existing neighborhood and area of influence.
2. The architectural or historic value or significance of the surrounding area
3. The general compatibility of the proposed construction
4. Any other factor, including visual and aesthetic, considered pertinent
5. The exteriors of public facades (street facing) shall be more carefully reviewed than other facades
6. Old Conway Design Overlay Pattern Book (Residential Guidelines)

Additions to existing buildings shall be judged in the same manner as new construction and shall complement the design of the original building.

All specific numbers listed in Section 6 Standards such as setbacks, lot coverage, heights, footprints, etc. shall be used as minimal guidelines to produce desired development in the Old Conway area. However, due to the unique nature of Old Conway and its traditional pattern of development, the Old Conway Design Review Board may grant exceptions to these numbers on a case by case basis without considering or setting precedent in order to allow development that is appropriate to unique circumstances. In no case shall an exception be made to not construct or pay an in-lieu fee for sidewalks.

When evaluating the general compatibility of the exterior of new construction or additions to any building in the Old Conway Design Overlay District, the OCDRB shall consider, but not be limited to, the following factors within the building's area of influence:

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| <ol style="list-style-type: none"><li>1. Site<ol style="list-style-type: none"><li>a. Setbacks</li><li>b. Spacing</li><li>c. Lot coverage</li><li>d. Orientation</li><li>e. Garages</li><li>f. Alleys</li><li>g. Parking</li><li>h. Driveways</li><li>i. Sidewalks</li><li>j. Fences and walls</li><li>k. Landscaping and tree preservation</li><li>l. Lot sizes</li><li>m. Street right of way</li></ol></li><li>2. Massing<ol style="list-style-type: none"><li>a. Scale (proportion)</li><li>b. Height and width</li><li>c. Directional expression</li><li>d. Footprint</li><li>e. Complexity of form</li><li>f. Façade, wall area, and rhythm</li></ol></li></ol> | <ol style="list-style-type: none"><li>3. Structural Design Elements<ol style="list-style-type: none"><li>a. Style</li><li>b. Entries, porches, and porticos</li><li>c. Doors and windows</li><li>d. Awnings</li><li>e. Lighting</li></ol></li><li>4. Materials and Detailing<ol style="list-style-type: none"><li>a. Architectural details – Eaves, brackets, dentils, cornices, molding, columns, trim work, pilasters, balustrades, decorative or character defining features</li><li>b. Roof</li><li>c. Siding and bricks</li><li>e. Decks</li><li>f. Skylights</li><li>g. Mechanical system screening</li><li>h. Shutters</li></ol></li></ol> <p>Additions</p> <ol style="list-style-type: none"><li>a. Ancillary buildings</li><li>b. Additions to primary structures</li><li>c. Outbuildings</li></ol> |
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## Site:

### Building Setbacks:

Setback - The area of a lot measured from the lot line to a building façade or elevation. This area must be maintained clear of permanent structures with the exception of: fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces, and decks (that align with the first story level) which are permitted to encroach on the setback.

Front: The new construction shall be located between 85% and 115% of the average front setback distance established by the existing adjacent historic structures. If all buildings along a block have similar setbacks, that setback line shall be respected.

Secondary Front (adjacent to street): 8 feet minimum

Side: 6 feet minimum in all residential zones, 0 feet minimum in C-1 areas

Rear: 3 feet or 15 feet from centerline of alleyway in residential zones, 0 feet minimum in C-1 areas

Outbuilding Setback

Front: Rear of Principal Building

Secondary Front: 8 feet min.

Side: 3 feet min.

Rear: 2 feet min.

### Spacing:

Spatial relationships among existing buildings on a block and neighborhood suggest an appropriate width and spacing for new construction in the area. The historic range of building widths is an important guide, which will help determine an appropriate width for infill structures and will also suggest a module for dividing the facade and massing of an exceptionally large new building into a series of smaller visual units. Spacing should be within 15% of the average distance between existing structures on the block to respect the rhythm of the street.

### Lot Coverage:

Coverage: 60% impermeable surfaces maximum in all residential zones, 100% impermeable surfaces maximum in C-1

### Orientation:

Orientation refers to the direction in which the front of a building faces. New construction shall orient its façade in the same direction as adjacent historic buildings. In the case of a corner lot, dual orientation may be permitted.

### Garages / Outbuildings:

Detached garages / outbuildings shall be located at the rear of the primary structure. If lot width or depth prohibits a rear location, the garage may be attached at the side of the structure. This attached garage façade should not extend in front of the transverse centerline of the house. In the case of a side location, the garage façade shall not dominate the façade of the structure. The footprint of a detached garage / outbuilding shall be no more than 30% of the footprint of the primary structure.

The use of an outbuilding / garage combination is encouraged. A garage apartment is allowed in the Old Conway Design Overlay District when the following conditions are met:

1. The homeowner must live on the property.
2. One parking space must be allowed for the garage apartment in addition to the required number of spaces as per this ordinance. All parking must be located as per the requirements of this ordinance.

### Alleys:

In the Old Conway Design Overlay District, a large number of alley rights of way were originally platted. Although very few of these alleys were ever constructed, many of the rights of way are still open. The use of these alleyways is encouraged. These alleys could provide another access point for residences and allow parking at the rear of residential lots.

## **Parking:**

Parking is not permitted in the front yard of houses. Parking is allowed in driveways. No more than fifty (50) percent of the front yard may be paved. Parking areas should be concrete, pavers, or permeable parking surfaces such as grass pavers. Asphalt is not appropriate for single or two family residences. Asphalt with curb and gutter is appropriate for multi-family parking in the C-1 downtown zoning district. The use of permeable materials is encouraged. Parking areas shall be screened with landscaping if the area is prominently visible from the public right of way. Two (2) parking spaces per dwelling unit are required. On-street parking may be counted towards the required parking number, except in the case of streets classified as collector or above on the Conway Master Street Plan as on-street parking is not allowed.

## **Driveways:**

Driveways should be concrete, pavers, or permeable parking surfaces such as grass pavers. Asphalt is appropriate for multi-family drives in the C-1 downtown zoning district. Historic driveways such as concrete strips with a grass median are encouraged. The use of permeable materials is encouraged. Semi-circular driveways with two entry points on the lot are discouraged. Shared driveways are encouraged to lessen the amount of non permeable surface.

## **Sidewalks:**

A Sidewalk shall be constructed or repaired as part of new construction in the Old Conway Design Overlay District.

### **Sidewalk Exception:**

The construction of an outbuilding with a footprint area greater than 30% of the primary structure will require the construction or repair of sidewalks.

Sidewalks are historically correct and add an essential pedestrian element to the area. Sidewalks shall be constructed / repaired for all street frontages and shall be 5 feet wide unless the width differs historically. Sidewalks shall pass through driveways. In the downtown area, sidewalks shall meet downtown sidewalk requirements.

If sidewalks are not prevalent in the area or not technically feasible due to utilities, easements, rights of way, etc., an in-lieu fee of \$3 per square foot may be paid into the general sidewalk fund to be used within the boundaries of the Old Conway area. The Old Conway Design Review Board will determine if a request for a sidewalk exception is reasonable. This per square foot in-lieu fee shall be reviewed by the City Council at least every 5 years.

## **Fences and Walls:**

Fences primarily serve two purposes in the Old Conway Design Overlay District; definition of private / public space in front yards and privacy screening in rear or side yards. Fences shall be no more than 3.5 feet tall in front yards with pickets no more than 4 inches wide and 3 inches apart. Privacy fences shall be no more than 6 feet tall and are only allowed in rear yards or side yards as deemed appropriate. Fences may be constructed of wood, iron (or aluminum mimicking iron), brick, or stone. The use of brick or stone should be limited to corner post or limited detailing. The upper two feet of privacy fencing should have 50% opacity, provided by a lattice or grid pattern of wood or iron. Iron fences are typically found on substantially-sized structures other than bungalows or cottages. Chain link fence and bare concrete block fences are prohibited. Fences of railroad ties or landscape timbers are prohibited. Fences of wood-like composite materials may be used upon approval.

Low brick, stone, and finished concrete walls defining front yards are evident in the Old Conway Design Overlay District. New construction of these walls, typically 12-18 inches in height is allowed. The capping of these walls with a shaped stone or brick cap is encouraged. Finished concrete walls are allowed. Bare concrete retaining walls are prohibited.

## **Landscaping and Tree Preservation:**

Landscaping is a critical part of the historic appearance of the Old Conway Design Overlay District. Identify and retain existing trees and plants that help define the character of the area. Install new landscaping that is compatible with the existing neighborhood and indigenous to the area. Protect significant existing trees (8" or greater in diameter breast height) and plants during construction. Preserve any large trees which line the streets of the residential areas. New trees reaching a mature height of 60 feet shall be planted at a distance of no more than 30 feet apart along the street right of way. No street tree shall be planted over or within 5 lateral feet of any underground water, sewer, electrical lines, or cable television (excluding telephone, and individual service lines.) No street tree shall be planted closer than 10 feet to a fire hydrant, utility pole or streetlight. No street tree shall be planted within 15 feet of a street intersection. A list of approved street tree species is available from the Planning Department. Understory trees shall be planted in cases of overhead power lines. Limit the amount of landscaping in the front yard of small lots in order to retain the neighborhood scale of landscaping to the size of the house.

Removal of one or more significant trees in the Old Conway Design Overlay District requires approval by the Board, which also requests the following information:

1. Site plan and/or photographs showing location of significant tree(s);
2. Proof that the tree is dead or so badly diseased or damaged that it cannot be salvaged (such as a letter from a landscape firm);
3. Any other reasons for removal;
4. Species and size of the tree that will be planted to replace it, as well as the location where it will be planted.
5. If a tree is removed, the stump must be removed or ground to the surrounding surface soil level.

In instances where construction or other site work may affect significant trees on a given lot, all appropriate tree protection measures must be taken. The following specific protective measures shall be required for all development, or work requiring a permit, on properties with trees subject to regulation:

1. Protective fencing is required for protection of any tree to be preserved in place within fifteen (15') feet of any construction or construction material or construction equipment storage and is to be shown on the Tree Preservation Plan. All required protective fencing must be in place and approved by the Permits and Inspections department and/or Planning Department before a building permit will be issued. All fencing must remain in place during the entire construction period. All fencing shall be of a rigid material (i.e., chain-link, wood lathe, etc.) unless otherwise specified by the Planning Department. All fencing must be secured to metal posts driven into the ground and spaced no further than ten feet (10') apart. Fencing shall not be removed or relocated unless authorized in writing by the Planning Department. The approved Tree Preservation Plan shall be available on the building site before work commences and always during construction of the project. The general contractor shall be responsible for giving written notice of the Tree Preservation Plan and Tree Removal Permit to all contractors or subcontractors prior to their entering the Site.
2. Pumping of concrete for the foundation or other protective measures such as crown pruning and root pruning may be required for preservation of the existing trees. These measures must be indicated on the Tree Preservation Plan.
3. During construction all reasonable steps necessary to prevent the destruction or damaging of trees to be preserved in place shall be taken.
4. During construction, unless otherwise authorized by the Tree Preservation Plan, no excess soil, additional fill, equipment, liquids, or construction debris, shall be placed within the root zone of any tree that is required to be preserved in its present location.
5. No attachments, fences or wires, other than approved materials for bracing, guying or wrapping, shall be attached to any vegetation during the construction period.
6. All measures shall be taken to maintain the health of trees which are transported to the site.

## **Lot Sizes:**

Many lots in the Old Conway Design Overlay District were originally platted anywhere from 25 feet to 100 feet wide. Further subdivision over the years added to the small lot sizes. The Conway Zoning Ordinance's minimum lot width is 50 feet wide. This regulation is based on larger lot suburban standards developed around the 1950's. This ordinance shall allow the construction of single family residences on platted and subdivided lots as small as 25 feet in width. These lots must have been platted or subdivided by deed no later than December 31, 1979.

### **Street Rights of Way:**

Many of the platted streets in the Old Conway Design Overlay District were originally laid out with 40-60 foot rights of way. The Conway Subdivision and Zoning Ordinances require that all local streets have a minimum of 50 feet of street right of way. This regulation is based on larger lot suburban standards developed around the 1950's. This ordinance shall allow the construction of residences without the requirement of dedication of additional street right of way unless the street is classified as a collector or above on the Conway Master Street Plan. The smaller street rights of way of Old Conway are a desirable feature and should be preserved.

### **Massing: Overall bulk of a building**

#### **Scale:**

The size of new construction shall not be in conflict with the surrounding relationships of building size to lot size. Further, design features of new construction shall reinforce a human scale through the size and proportion of doors, windows, details, etc.

#### **Height:**

The eave or cornice lines of existing buildings on a particular street define a range of heights. New construction should remain within this range of heights in order to relate with the surrounding structures and to preserve and enhance the character of the area. Even though zoning regulations may permit greater heights, new buildings should be compatible in height to surrounding historic structures (typically not more than a 1 story differential). The first floor height of existing buildings is also an important factor in defining an appropriate scale for the new construction. First floor elevations should be consistent with surrounding historic structures.

The height of additions and outbuildings shall also relate to the primary structure.

#### Maximum Heights:

Principal Building:	3 stories maximum in residential zones 6 stories maximum in C-1 zones
Outbuilding:	2 stories maximum

#### **Width:**

New construction proportions shall respect the average width of the majority of neighboring buildings in the area.

#### **Directional Expression:**

This is a measurement of the height to width ratio of a structure's front elevation. New construction should respect the directional expression of the majority of the neighboring buildings in the area.

#### **Footprint:**

The area of land area covered by a structure. This measurement should be in relation to the majority of the neighboring buildings in the area.

#### **Complexity of Form:**

The level of detailing and breaks in the wall planes of a structure. New construction shall relate to the complexity of the majority of neighboring buildings in the area.

#### **Façade, Wall Area, and Rhythm:**

Facade and Openings (Proportion, Size, Detailing). New facades shall be compatible with surrounding historic buildings in proportion and relationships to wall area and openings. Windows and door openings should correspond to the rhythm and proportion that exist on neighboring structures. Generally, doors and windows are proportioned vertically. The total area of windows on a residential facade should be in a range of 25-40% of the total surface area. In buildings with commercial uses on the first floor, the area of ground floor openings should be in the range of 65-75%, to correspond with traditional storefront organization.

## **Structural Design Elements:**

### **Style:**

Buildings in the Old Conway Design Overlay District reflect a variety of traditional architectural styles and forms. New design should respect its context, while expressing the contemporary nature of the building and its use. A contemporary architecture that reflects the traditional elements of the area is encouraged.

### **Entries, Porches, and Porticos:**

Entrances and porches are often the primary focal points of historic structures. Porches and porticos are encouraged in the Old Conway Design Overlay District. Porches must have minimum depth of 6 feet, preferably 8 feet. Roofs on porches should match those on the main or existing structure where possible. Steps leading up to porches may be of wood, brick, stone, or concrete, as appropriate to the material and architecture of the main structure. Railings on porch stairs should have handrails and pickets to match the railing of the porch. Many entrances in the Old Conway Design Overlay District have special features such as transoms, sidelights, and decorative elements framing the entrances. Consideration should be given to incorporating such elements into new construction. Screened porches should be reserved for the rear of lots.

### **Doors and Windows:**

The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should relate to and be compatible with adjacent facades. (See Façade, wall area, and rhythm above) Traditionally designed openings generally have a recessed jamb on masonry buildings and a surface mounted frame on frame buildings. New construction should follow these methods as opposed to designing openings that are flush with the wall. If small paned windows are used in a new construction project, they should have the appearance of true divided lights and should not have fake clip-in muntin bars.

### **Awnings:**

When new construction uses awnings, traditional awning designs, materials, and placement should be used.

### **Lighting:**

Security lighting, such as flood lights shall be mounted on secondary and rear facades. Unshielded floodlights are not permitted. No light shall be of such intensity as to produce glare or direct illumination across the property line, nor shall any light be of such an intensity so as to create a nuisance or detract from the use and enjoyment of adjacent property. All light shall be directed downward and inward toward the property by choosing appropriate fixtures and properly aiming fixtures during installation. Fixtures shall be architecturally compatible with and designed to complement the principle structure and surroundings.

## **Materials and Detailing:**

### **Architectural Details:**

Architectural details on a new residential structure should be compatible with existing elements, in style, material, size, and shape. These details include, but not limited to: eaves, brackets, dentils, cornices, molding, columns, trim work, pilasters, balustrades, decorative or character defining features.

### **Roof:**

Roofs on new construction in the Old Conway Design Overlay District should respect the character of roof types and pitches in the immediate area around the new construction. Metal roofing is generally prohibited, but applicant will be allowed to prove the historic nature of a metal material. For new construction the following parameters should be considered:

- (1) Style (gambrel, gable, hip, shed, flat, mansard);
- (2) Pitch (slope of roof)
- (3) Material (slate, wood shingles, asphalt or fiberglass shingles, rolled roofing, hot mopped asphalt, tile);
- (4) Details (dormers, gables, chimneys);
- (5) Gutters and downspouts; and

**Siding and Bricks:**

The selection of materials for a new dwelling should be compatible with and complement the surrounding structures in the Old Conway Design Overlay District. Brick, stone, and wood are the most appropriate materials for the cladding of new structures. Synthetic siding such as vinyl, aluminum, and synthetic stucco, (EIFS products) are not historic cladding materials and should not be used. However, cement board materials such as Hardiboard may be substituted for wood siding. Siding shall present an historical appearance.

**Decks:**

Elevated wooden decks are not historic to the area and should be located at the rear of the structure and screened from street view with fencing and / or plants and shrubs when visible.

**Skylights:**

Skylights should not be visible from the street.

**Mechanical system screening:**

HVAC units should be located where they are not readily visible from the street. If visible, they should be screened with shrubbery or fencing. Exterior HVAC ductwork shall not be visible from street. Electrical and gas meters and other mechanical equipment should be located on the side or rear façade. The Old Conway Design Review Board shall consider that utility equipment location may be beyond the applicant's control.

**Shutters:**

If used, shutters should be in proportion to their window opening. They should fit so that if they were closed, they would cover the window opening.

**Colors:**

Colors will not be regulated under this ordinance. The use of colors that are compatible with the surrounding area is highly encouraged. Color determination should be based on historic schemes appropriate for the style of the building. Reference materials are available from the Old Conway Design Review Board and the Arkansas Historic Preservation Program in determining appropriate paint colors. Avoid too many colors on a building. Colors should be selected to highlight the architectural details of a building.

**Additions:**

An exterior addition to a historic residence may radically alter its appearance. The design of a new addition shall follow the regulations for new construction for all elevations that are prominently visible. New additions should not destroy the materials that characterize the property. New work should be compatible in massing, size, scale, and architectural features to protect the historic integrity of the property. Use materials, windows, doors, and architectural detailing that are compatible with the existing home. The addition should be done in such a manner that if removed in the future, the essential form and integrity of the original structure would be unimpaired. New design should not use the same wall plane, roof line or cornice line of the existing structure.

The addition should be sized so that it does not visually overpower the existing building. The addition should be located at the rear or side elevation in a manner that the addition visually secondary to the primary elevation of the historic structure. If the addition is located on an elevation facing the street or an important pedestrian route, the visible elevation shall be treated under tightest standards of the construction guidelines of this ordinance.

**Outbuildings:**

The design of new outbuildings with a footprint of 160 square feet or larger should use materials, windows, doors, and architectural detailing that are compatible with the existing or proposed residential structure. The footprint of an outbuilding may be a maximum of 30% of the footprint of the primary structure.

## Section 7: Definitions

Unless specifically defined below, words or phrases shall have the same meaning, they have in common usage.

**ADDITION** - New construction added to an existing building or structure.

**ALTERATION** - Any project involving change of or addition to an existing building as it pertains to exterior of the building as viewable from a public right of way

**AREA OF INFLUENCE** - The affected area to be notified for a public hearing as determined by a specific type of construction, alteration, restoration, moving or demolition as described in the individual categories found in the guidelines for review adopted by the Historic District Commission.

**BUILDING** - Any structure having a roof supported by columns or walls for the housing or enclosure of persons or animals.

**CERTIFICATE OF APPROPRIATENESS** - A document awarded by the Old Conway Design Review Board allowing an applicant to proceed with a proposed new construction or addition in a designated area or site, following a determination of the proposal's suitability according to applicable criteria.

**CHARACTER** - The qualities and attributes of any structure, site, street or district.

**CONTEMPORARY** - Reflecting characteristics of the current period. Contemporary denotes characteristics which illustrate that a building, structure, or detail was constructed in the present or recent past rather than being imitative or reflective of a historic design.

**DETAILING** - Architectural aspects that, due to particular treatment, draw attention to certain parts or features of a building.

**DESIGN GUIDELINES** - Criteria developed by preservation commissions to identify design concerns in an area and to help property owners ensure that rehabilitation and new construction respect the character of designated buildings and districts.

**ELEMENT** - A material part or detail of a site, structure, street, or district.

**ENTRANCE AREA** - The area of access to the interior of the building including the design, location, and materials of all porches, stairs, doors, transoms, and sidelights.

**EXTERIOR ARCHITECTURAL FEATURES** - The architectural style, design, and general arrangement of the exterior of a structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures

**FACADE** - A face of a building.

**HEIGHT** - The vertical extent of a building measured in stories, not including a raised basement or attic. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads, and similar structures. Height shall be measured from the elevation of the lowest finished floor level to the highest point of the building.

**HISTORIC STRUCTURE** - Generally any building 50 years or older or any building determined to be historically significant by an appropriate authority - local, state, or national.

**LOT COVERAGE** - For the purposes of this ordinance, the area covered by all impermeable surfaces including the primary structure, drives, sidewalks, ancillary buildings, etc.

**MASSING** - Volume, magnitude, or overall size of a building.

**OWNER OF RECORD** - The person, corporation, or other legal entity listed as owner on the records of Faulkner County.

**OUTBUILDING** – An accessory building, usually located towards the rear of the same lot as the principal building. An outbuilding 160 square feet in area or larger requires that the structure be constructed with a foundation and is considered a permanent structure.

**PRESERVATION** - The maintenance of a property without significant alteration to its current condition.

**PROPORTION** - Relationship of height to width of the building outline as well as individual components.

**PUBLIC NOTICE** - The classified advertisement of an event, such as a preservation commission meeting, that is published in the local newspaper and posted in the city government building in order to notify the general public of the upcoming event.

**REHABILITATION** - The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

**RESTORATION** - The process of returning a building to its condition at a specific time period, often to its original condition.

**RHYTHM** - A harmonious or orderly recurrence of compositional elements at regular intervals, including the location of doors and the placement of windows, symmetrically or asymmetrically and their relative proportion.

**ROOF AREA** - The outside covering of a building or structure extending above the vertical walls including the form, material, and texture of the roof, including the slope, pitch, and spacing of roof covering. Roof area also includes but is not limited to size, design, number, and location of dormers; the design and placement of cornices; and the size, design, material, and location of chimneys.

**SCALE** - The relative dimension, size, degree or proportion of parts of a building to one another or group of buildings.

**SITING** - Location of a building in relationship to the legal boundaries and setbacks, adjacent properties, and the natural conditions of the site. .

**STRUCTURE** - Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner. That which is built or constructed; an edifice or building of any kind.; excluding but not limited to, electric and cable television distribution and transmission lines, poles and equipment, fire hydrants and wastewater collection manholes.

**TEXTURE** - The visual or tactile surface characteristics created by shape, arrangement, and distribution of the component materials.

**WALL AREAS** - The vertical architectural member used to define and divide space. This includes but is not limited to kind, texture, and exposure of wall sidings and trims and the location, number, and design of all window and door openings.

**Section 7.** That any ordinances or parts of ordinances in effect at the time of the passage of this ordinance that are in conflict with this ordinance are repealed to the extent of the conflict.

**Section 8:** That this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance will be in full force and effect from and after its passage and approval.

PASSED this 10<sup>th</sup> day of October, 2006.

**APPROVED:**

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**Mayor Tab Townsell**

**ATTEST:**

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**City Clerk Michael O. Garrett**