

**SUBDIVISION
REGULATIONS
CITY OF CONWAY, ARKANSAS**

JANUARY, 2000

**ADOPTED
BY
THE CITY OF CONWAY, ARKANSAS**

**ORDINANCE
O-00-03
ADOPTED JANUARY 25, 2000**

**EFFECTIVE DATE OF
MARCH 25, 2000**

AMENDMENTS TO THE CONWAY SUBDIVISION ORDINANCE

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SUBDIVISION REGULATIONS CITY OF CONWAY, ARKANSAS

ARTICLE I GENERAL PROVISIONS

SECTION 1. PURPOSE AND INTENT

These Regulations are formulated to promote safety, public health, and the general welfare of the citizens of Conway and outlying environs. The purpose of these Regulations is to provide for the harmonious development of Conway and the coordination of streets and other public utility improvements within subdivisions with existing or planned improvements or other features of the Comprehensive Plan. These Regulations and standards for the subdivision and improvement of land for urban use are designed to make provision for adequate air, open space, drainage, transportation, public utilities, and other needs, and to ensure the development and maintenance of a healthy, attractive, and efficient community that provides for the conservation and protection of its human and natural resources. These Regulations are intended to set forth the procedures, requirements, and minimum standards governing the subdivision of land within the territorial jurisdiction of the City of Conway and should be administered in a manner:

- (1) To assist the orderly, efficient, and coordinated land development within the territorial jurisdiction of Conway in accord with its adopted Growth Plan.
- (2) To promote the health, safety, and general welfare of the residents of the City.
- (3) To ensure conformance of subdivision plans with public improvement plans for the City.
- (4) To protect and conserve the value of buildings and improvements and to minimize adverse impact on adjoining or nearby properties.
- (5) To establish a beneficial relationship between the uses of land and buildings and the municipal street system to require proper location and design of streets and building lines, to minimize traffic congestion, to make adequate provision for pedestrian traffic circulation.

- (6) To establish reasonable standards of design and procedures for subdivision and resubdivision ordered to further the orderly development and use of land and to ensure proper legal descriptions and monumenting of subdivided lands.
- (7) To encourage the wise use and management of natural resources and to provide adequate and safe recreational areas of natural beauty and topography within the community.

SECTION 2. AUTHORITY

The following Regulations for the subdividing and developing of land within the corporate limits and outlying area of Conway are adopted in accordance with the provisions of Arkansas Act 186 of the General Assembly of 1987 of the State of Arkansas, as amended.

SECTION 3. JURISDICTION

Any subdivider of land within the territorial jurisdiction of the City of Conway shall submit to the City Planning Commission plats of the subdivision and plans for indicated improvements according to these Regulations.

It is hereby declared to be the policy of the City of Conway to consider the subdivision of land and the subsequent development of subdivided plat as subject to the control of the City pursuant to the Growth Plan, primarily the Land Use and Master Street Plan of the City for the orderly planned and efficient development of the City and the urban area surrounding it. These Regulations and development standards shall apply to the following forms of land subdivision:

- (1) The division of land into two or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than five (5) acres in area; or
- (2) The resubdivision of land, previously subdivided or platted into tracts, lots, sites, or parcels; or
- (3) The dedication of any street or alley through any tract of land regardless of the area involved.

(4) Exception: These Regulations and development standards shall not apply to the public acquisition by purchase or dedication of parcels of land for the widening or opening of streets or for other improvements.

(5) *Exception: These regulations and development standards shall not apply to any horizontal property regime within any lot for which the same documentation as required by state statute to be filed with the county for the establishment of that horizontal property regime shall have been filed with the City of Conway and where all buildings within that lot shall have been built to meet the fire separation requirements of the City of Conway between apartments as defined in the Horizontal Property Act of the State of Arkansas. (Ordinance No. O-00-164)*

These Regulations shall apply to all forms of subdividing as defined herein and shall be applicable to all land within the City of Conway and to certain unincorporated areas in the County within five (5) miles of the corporate limits, which is defined on the Territorial Jurisdiction Map and made part of this Regulation.

No subdivider proposing to make or having made a subdivision within the territorial jurisdiction of the City of Conway shall proceed with any construction work on the proposed subdivision including grading for streets, before obtaining a Certificate of Approval from the Planning Commission, and shall not convey title to any lot or lots before obtaining from the Commission a Certificate of Final Plat Approval and the acceptance and filing of said plat with the County Recorder. Clearing of land shall not be considered construction work for the purposes of this section.

When, in the opinion of the Planning Department staff, a violation of the subdivision ordinance exists, and a subdivider who has not complied with the requirements and procedures set forth herein attempts to proceed with construction work, or attempts to convey title to any lot or lots before obtaining Final Plat Approval, or otherwise is in substantial violation of the ordinance, the Planning Department shall, within thirty (30) days of becoming aware of a possible violation, issue a written order to the alleged violator. Said written order shall be by certified mail, restricted delivery, and shall set out the specific violations alleged. Notification to the Mayor and City Attorney of the issuance of the written order shall be given. If the alleged violator, within fifteen (15) days of receipt of said order, does not cease and desist from activities not in conformance with this ordinance, the Planning Department shall, within sixty (60) days, transmit to the City Attorney an affidavit setting out the nature of the violation. The City Attorney shall take appropriate measures to enforce the ordinance, including but not limited to, seeking injunctive relief from a court of competent jurisdiction.

SECTION 4. DEFINITIONS

Definitions not expressly prescribed herein are to be construed in accordance with the customary usage in municipal planning and engineering practices. Whenever used in this Regulation, the word "may" is permissive, while the word "shall" will be interpreted in its mandatory sense. For the purpose of interpreting this Regulation, certain words used herein are defined as follows:

- **Alley:** A minor public way used for utility easements and vehicular services access to the back or the side of properties abutting a street.
- **Bill of Assurances:** The document containing the limitations and restrictions placed upon a development by the subdivider.
- **Block:** A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks, drainage channels, or a combination thereof.
- **Bond:** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City.
- **Building Lines:** The phrase "building line" shall be the line within a property, which defines the minimum horizontal distance between the building and the adjacent property line.
- **CAGIS:** Conway Area Geographic Information System, a computerized geographic information system developed and maintained by the City of Conway and The Conway Corporation.
- **CAGIS First Generation Monument:** The group of monuments set by tying to the CAGIS geodetic control network.
- **CAGIS Geodetic Control Network:** A group of survey monuments dispersed within the planning jurisdiction of the city for which horizontal and/or vertical positions have been determined and which have been approved by the city for use as ground control for surveying and engineering projects within the planning jurisdiction of the city.
- **CAGIS Monument:** A cast in place or prefabricated monument, which shall consist of similar construction described as, an eight-inch diameter steel-reinforced concrete post with a stamped survey cap (see ARTICLE III, SECTION 4).
- **City:** City of Conway, Faulkner County, Arkansas.

- **City Attorney, City Clerk, City Planner, Mayor:** Any office referred to in this Code by title, i.e. City Attorney, City Clerk, City Planner, Mayor, etc., shall be the person so retained by the City or elected to this position, or his duly authorized representative.
- **Cul-de-sac:** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- **Commission:** The word "Commission" or "Planning Commission" shall be the official City Planning Commission of the City of Conway, Arkansas.
- **Growth Plan:** The Comprehensive Development Plan for the City which has been officially adopted by the City Council to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, zoning, and traffic circulation.
- **County Recorder:** The County Recorder of Faulkner County, Arkansas.
- **Drainage way:** An approved means, whether natural or constructed, of removing or providing for the removal of surface water.
- **Easement:** A grant by the property owner of the use, for a specific purpose or purposes, of land by the public, a corporation, or certain persons.
- **Engineer:** A person duly authorized under the provisions of the Arkansas Engineering Registration Act to practice the profession of engineering in the State of Arkansas.
- **Health Department:** The Faulkner County Health Department and/or the Arkansas State Department of Health.
- **Improvements:** Any betterment of the existing conditions of the land, such as streets, extension of utilities, grading or excavation, or other actions resulting in permanent changes in the condition of the land.
- **Lot:** A distinct and separate undivided tract or parcel of land having access on a public street which is, or in the future may be offered for sale, conveyance, transfer, or improvement as a building site.
- **Lot, Corner:** A lot located at the intersection of and abutting on two or more streets.
- **Lot, Double Frontage:** A lot which runs through a block from street to street and which has two non-intersecting sides abutting on two streets.

- **Lot, Reverse Frontage:** A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.
- **Lot Split:** A lot-split is a subdivision which involves the dividing or redividing of (a) a land area or (b) one or more lots within not more than one (1) block of a recorded subdivision, and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley, or easement. (See Article VII for regulations pertaining to lot-splits.)
- **Pavement Width:** The portion of a street available for vehicular traffic; where curbs are laid, it is the distance from back of curb to back of curb.
- **Planned Unit Development (PUD):** A parcel of land planned as a single entity which may include residential and nonresidential uses, open spaces; and whose setbacks, lot area and side yards may be modified based on a density of development in accord with the Conway Zoning Ordinance and subject to approval by the Planning Commission.
- **Plat, Preliminary:** The phrase "preliminary plat" shall be any plat of any lot, tract or parcel of land that is not to be recorded, but is only a proposed division of land that is presented only for review and study by the City; and to provide the basis for installing site improvements and utilities, and for dedicating and/or reserving land for public use.
- **Plat, Final:** The phrase "final plat" shall be any plat of any lot, tract, or parcel of land requested to be recorded in the deed and plat records of the County Recorder.
- **PUD:** See "Planned Unit Development."
- **Replatting:** The word "replatting" shall be the resubdivision of any part of a previously platted subdivision, addition, lot or tract.
- **Right-of-Way:** The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency or public utility company shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- **Street:** A public right-of-way, however designated, which provides vehicular access to adjacent areas.

- **Street Right-of-Way Width:** The words "street right-of-way width" shall be the shortest distance between the lines, which delineate the right-of-way of a street. It runs from abutting property line to abutting property line.
- **Street, Local:** The term "local street" shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts. Streets not designated as collector or arterial will be considered to be minor residential or residential streets.
- **Street, Collector:** The term "collector street" shall be a street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares or business districts. Collector streets are designated on the Master Street Plan and/or Growth Plan for the City.
- **Street, Arterial:** The term "arterial streets" shall mean the principal traffic thoroughfares continuous across the City, which are intended to connect distant parts of the City or adjacent thereto, and act as principal connecting streets with State and Federal highways. Each arterial street is designated on the Master Street Plan for the City as either a super, major or minor arterial.
- **Street, Minor Residential:** The term "minor residential" street shall mean a street which has a single entry/exit, serves no more than twenty-four (24) dwelling units and shall be the lowest in the functional classification of streets. The intended purpose of a minor residential street is to serve local non-through traffic in a residential setting.
- **Subdivider or Developer:** Any individual, association, firm, corporation or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms "subdivider" and "developer" shall be restricted to include only the owner, equitable owner, or authorized agent or such owner or equitable owner, of land to be subdivided. He is sometimes referred to herein as the "applicant".
- **Subdivision:** The word "subdivision" shall mean the division by platted lots or metes and bounds of any lot, tract, or parcel of land situated within the territorial jurisdiction of the City, into two (2) or more lots or sites for the immediate or future purpose of sale or development, or for laying out residential, commercial, or industrial lots, or any lots, and streets, alley, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of the land, lots or tracts.
- **Subdivision, Classification:** A subdivision is classified as a "minor subdivision" when it contains four (4) or fewer lots and no streets, utilities, or other improvements are to be made. All other subdivisions are classified as "major subdivisions".

SECTION 5. PROCEDURES

Any owner of land within the jurisdiction of the City of Conway seeking to subdivide property shall not proceed with any construction work on the proposed subdivision, including grading, before obtaining Preliminary Plat approval nor shall the owner attempt to record the plat of the subdivision or any part thereof prior to obtaining Final Plat approval from the Planning Commission.

Pre-Application Conference

When the owner of a tract of land proposes its subdivision, the subdivider is urged to discuss informally the intent of his subdivision with the planning staff. No fees shall be collected for Pre-Application Conference, its purpose being to acquaint the subdivider with plans and policies in effect that may be significant to his proposed subdivision. The subdivider may submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the proposed subdivision. At such meeting, the general character of the development will be discussed and items including zoning, utility service, street requirements, flooding and drainage, and other pertinent factors related to the proposed development will be reviewed. The purpose and intent of the Pre-Application Conference is to afford the subdivider an opportunity to obtain the advice of the planning staff in order to avoid unnecessary costs and delays to the subdivider and to give informal guidance to the development at a stage where potential points of conflict or differences can be readily resolved.

Preliminary Plat

The first required step in the review process is the submission of an Application for Preliminary Plat Approval.

A. Submission Requirements

The Application shall be submitted to the Planning Commission not fewer than seventeen (17) days prior to the regular Planning Commission meeting at which it is to be considered and shall consist of the following:

- (1) A Letter of Intent.
- (2) Five (5) copies of the plat plans and data as specified in Article II, Section 3.
- (3) A filing fee as specified in Article VI, Section 3.

B. Preliminary Approval

After the Planning Commission has reviewed the Preliminary Plat and taken into account any staff recommendation, the Applicant shall be advised of any required changes and/or additions. The Planning Commission shall approve, approve conditionally, or disapprove the Preliminary Plat within eighty (80) days from the date of receipt thereof or the Preliminary Plat shall be deemed approved unless the subdivider stipulates in writing to the Planning Commission that additional time is allowed. If disapproved, the Preliminary Plat shall be returned to the subdivider with a written statement as to the reasons for disapproval.

The Planning Commission's approval of the Preliminary Plat shall be deemed as an expression of approval of the layout submitted on the Preliminary Plat as a guide to the installation of streets, water, drainage, sewer, and other required improvements and utilities, the dedication and reservation of public lands, and to the preparation of the Final Plat. Approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat.

When the Planning Commission finds the Preliminary Plat together with the Site Improvements Plan meets all the requirements of this Regulation, it shall approve the Plat by placing a Certificate of Preliminary Plat Approval upon the Preliminary Plat. This stamp of Preliminary Plat Approval shall read:

"This Plat has been given Preliminary Plat Approval only and has not been approved for recording as a public record. This Certificate shall expire on _____ (date)."

(The certificate shall expire 12 months from date of approval unless extended by the Planning Commission.) Such stamp approval shall bear the signature of the Chairman of the Planning Commission and shall be dated. Six copies of the Preliminary Plat shall be submitted. Five copies shall be distributed and/or retained by the Planning Commission and one copy shall be returned to the subdivider upon approval.

C. Authorization to Proceed

Receipt of an approved or conditionally approved copy of the Preliminary Plat, together with an approved copy of the Improvements Plan shall constitute authorization of the Planning Commission for the subdivider to proceed with the preparation of the Final Plat, the installation of improvements, and the staking out of lots and blocks. The subdivider, after conditional approval of the Preliminary Plat, shall complete all improvements required under this Regulation.

D. Expiration of Preliminary Plat Approval

If at the end of the twelve (12) month date of approval of the Preliminary Plat the subdivider submits a written request for extension of the preliminary approval, the Planning Commission may grant an extension of up to twelve (12) additional months providing, in the opinion of the Planning Commission, sufficient work has been completed with respect to the required improvements on the property.

Without the request for extension, the preliminary plat approval shall automatically expire 12 months from the original date of approval and further development work will require approval of another Preliminary Plat. Further, no more than one extension will be granted. An approved preliminary plat conditioned upon the developer completing a "punch list" shall also be considered to be null and void should the "punch list" in its entirety not be completed within the designated twelve (12) month period from the date of preliminary plat approval.

Final Plat

When the requirements of this Regulation have been satisfied and while the Preliminary Plat Approval is in effect, the subdivider may submit to the Planning Commission an Application for Review and Approval of the Final Plat. When the requirements of this Regulation have been satisfied and while the Preliminary Plat Approval is in effect, the subdivider may submit to the Planning Commission an Application for Review and Approval of the Final Plat. If the submitted final plat conforms to an approved preliminary plat and all the requirements for final plat approval in ARTICLE II PLAT REQUIREMENTS, the plat may be reviewed, approved and signed by the Chair of the Planning Commission after review and approval by staff and without further review by the Planning Commission. Otherwise, the plat must be reviewed by the Planning Commission for final plat approval

A. Submission Requirements

At least seventeen (17) days prior to the meeting at which it is to be considered, the subdivider shall submit an application which shall consist of:

- (1) A letter of application requesting review and approval of the Final Plat.
- (2) The Final Plat in an original tracing or mylar in reproducible form plus eight (8) prints and other documents as specified in Article II, Section 4.
- (3) A filing fee as specified in Article VI, Section 3.

B. Approval by Planning Commission

The Final Plat of the proposed subdivision shall be submitted to the Planning Commission for final approval prior to expiration of the Preliminary Plat. If not submitted for final approval within such time, the preliminary plat shall be considered as having been abandoned.

If the subdivider requests permission to develop only a portion of the property for which the Preliminary Plat was approved, the Planning Commission may grant approval of a Final Plat for said portion alone.

The Planning Commission shall approve or disapprove the Final Plat within eighty (80) days of receipt thereof; otherwise said Final Plat shall be deemed to have been approved. Disapproval of the plat shall be transmitted to the subdivider with the reasons therefor within a reasonable time (not to exceed two weeks) after the meeting at which the plat was disapproved.

The original plat and all copies shall be retained and distributed in accordance with the provisions contained in paragraphs C and D below.

Approval of the Final Plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds.

C. Acceptance of Public Dedications

Before the Final Plat is recorded in the office of the County Recorder, an agreement shall be reached between the subdivider or his agent and the City Council. Said agreement shall be with regard to the installation of any street improvements or utility construction called for in the subdivision plat; the dedication and/or reservation of lands for public use; the dedication and acceptance of utilities and public improvements; and other agreements as required in the Planning Commission's approval of the plat. The City Council must receive one of the following prior to accepting the public dedications and before the final plat will be eligible for recording.

- (1) A certificate submitted by the subdivider and approved by the City Council, stating that all required improvements and installations to the subdivision have been made, added, or installed; or

- (2) A cash deposit in the full amount as determined by the City, necessary to complete the improvements and installations in compliance with this Code for the portion of the subdivision for which final plat approval is sought. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the City; or
- (3) An executed agreement with the City which shall:
 - a. Be in an amount determined by the City to be sufficient to complete the improvements and installations for the subdivision in compliance with this Code.
 - b. Specify the time for the completion of the improvements and installations.
 - c. Be accompanied by a performance bond or letter of credit payable to the City, which shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. The period of time shall be specified in the resolution approving the Final Plat and shall be incorporated in the bond, and shall not in any event exceed two (2) years from the date of final approval. If improvements are not completed within the specified time, the city will collect the specified amount and complete the improvements.

D. Recording

Upon approval of the Final Plat and acceptance of the public dedications by the City Council, the Planning Department shall have the final plat recorded in the office of the County Recorder. The subdivider shall submit the original or a mylar reproducible plus twelve (12) copies to the Planning Department and pay all fees in connection with the recording of said plat.

The Final Plat shall be filed in the office of the County Recorder within two (2) years after approval by the Planning Commission; and if not filed within such time, said approval shall be considered as having been abandoned.

Upon recording the plat, the designated City official shall retain the original tracing and one (1) copy for the Planning Commission's files, one (1) copy shall be forwarded to the Tax Assessor, and one (1) copy shall be returned to the subdivider.

E. Subdivisions Approved Subject to "Punch Lists" Prior to Adoption of This Ordinance

Subdivisions which have been given either preliminary or final plat approval subject to completion of a "punch list" shall have one (1) year from the date of adoption of this ordinance to complete the punch list or the subdivision approval shall be null and void. Subdivisions that have been reviewed and given approval subject to completion of a "punch list" since January 1, 1998, but before the adoption of this ordinance may be granted a one-year extension with the approval of the Planning Commission.

ARTICLE II PLAT REQUIREMENTS

SECTION 1. GENERAL

This chapter denotes specific plat requirements for land subdivision.

SECTION 2. PRE-APPLICATION CONFERENCE

In meeting with the staff for the Pre-Application Conference, informally submitted, the applicant may provide the staff at the applicant's discretion, general information including the following: the applicant's name and address, the agent, the acreage of the tract, the proposed areas allocated to each specific land use, a proposed Bill of Assurance, any unusual subdivision characteristics, the approximate number of lots, average lot size, location of street rights-of-way and easements. Where possible, the north direction of the Vicinity Map shall correspond to the north direction of the sketch plan.

SECTION 3. PRELIMINARY PLAT

After the Pre-Application Conference, the subdivider shall submit five (5) copies of the Preliminary Plat to the Planning Commission. The Preliminary Plat shall be drawn clearly and legibly at a scale not smaller than 1" = 100' and shall show or be accompanied by the following information:

- (1) Name of subdivision.
- (2) Name and address of owner of record, subdivider and surveyor or engineer.
- (3) North arrow, graphic scale and date.
- (4) Vicinity Map showing location and acreage of subdivision.
- (5) A legal description of the tract giving exact boundary lines and bearings and distances as well as the acreage to the nearest one-tenth of an acre, the date of the survey, and a preliminary survey certification.
- (6) Contour intervals of not more than two (2) feet where the overall average slope is less than 4% grade and not more than five (5) feet where the slope is greater than 4%.

- (7) Natural features within the proposed subdivision including drainage channels, bodies of water, wooded areas and other significant features. The direction of flow of all watercourses leaving the tract shall be indicated and all water courses entering the tract. The drainage area above the point of entry shall also be noted. The downstream drainage channel and drainage structures substantially impacted by this subdivision shall be shown.
- (8) If any portion of the land being subdivided is subject to flooding, the limit of such flooding shall be noted and the appropriate 100-year floodplain and/or floodway shall be identified.
- (9) The present zoning classification, if any, of the land to be subdivided and of the adjoining land contiguous to the boundary of the proposed subdivision.
- (10) Existing streets, buildings, watercourses, railroads, culverts, utilities, and easements on and adjacent to the tract.
- (11) The proposed design including streets and alleys with proposed street names, lot lines with appropriate dimensions, easements, land to be reserved or dedicated for public use, and land to be used for purposes other than residential.
- (12) Proposed open space.
- (13) Source of water supply.
- (14) Where wastewater disposal is to be accomplished by extending wastewater utility facilities, this circumstance shall be indicated on the Preliminary Plat (In those instances where extraordinary systems are proposed in lieu of extending public waste water system, detailed information shall accompany the plat.)
- (15) State Health Department approval of the water supply and/or sewage system if the requirement of the subdivision is to be met by any other means than by connecting to the water supply or sewage system operated by the City of Conway and/or the Conway Corporation.
- (16) If the proposed subdivision is a portion of a tract, which is owned by the applicant, then a preliminary master sketch plan for the entire tract shall be submitted with the Preliminary Plat. The sketch plan must contain sufficient detail to allow the Planning Commission to determine general road alignments and lot configurations.
- (17) Improvement plans for all specified facilities and utilities.

- (18) A phasing plan outlining the boundaries for each phase and the location of all CAGIS monuments for the subdivision. A minimum of two CAGIS monuments shall be placed in each subdivision or subdivision phase exceeding ten (10) acres. For subdivisions of ten (10) acres or less in size, no new CAGIS monumentation is required. However, these smaller subdivisions must also be tied to CAGIS monumentation
- (19) Additional preliminary plat data. The following data shall accompany the Preliminary Plat:
- a. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat.
 - b. Provisions for sewage disposal, drainage and flood control.
 - c. Source of water supply.
 - d. Typical cross-sections of all streets and centerline profiles of approximate street grades. (Computations for engineering profiles may be required by the staff or City Engineer if deemed advisable.)
 - e. Drains and drainage ways and the location, size and construction of drainage ways and structures.
 - f. Typical cross section and centerline profile of all drains and drainage ways.
 - g. Other such information as the subdivider may wish to bring to the attention of the Planning Commission.

(20) Each preliminary plat submitted in accord with applicable State Statutes shall include the following certificates.

a. Certificate of Preliminary Survey Accuracy

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown hereon actually exist and their location, size, type and material are correctly shown.

Date of Execution: _____

Registered Land Surveyor

State of Arkansas
Registration No. _____

b. Certificate of Preliminary Plat Approval

This plat has been given preliminary plat approval only and has not been approved for recording purposes as a public record. This certificate shall expire on _____ (date).

Date of Execution: _____

Chairman, Conway Planning
Commission

(21) Each set of street and drainage plans submitted in accord with applicable state statutes and in conformance with Arkansas Code Annotated 17-27-101-ET-SEQ shall include the following certificate:

Certificate of Preliminary Engineering Accuracy

I, _____, hereby certify that this plan correctly represents a plan made under my direction and engineering requirements of the Conway Subdivision Regulations have been complied with.

Date of Execution: _____

Registered Engineer

State of Arkansas
Registration No. _____

SECTION 4. FINAL PLAT

The Final Plat shall be drawn in black ink on mylar film, tracing paper, or other comparable transparent material and on sheets whose dimensions are either 18" x 24" or 24" x 36". The scale shall be *either 1" = 100' or 1"=50'*. The original tracing or reproducible mylar and eight (8) prints shall be submitted to the Planning Commission. The drawing shall be neat, legible, and suitable for filing for record in the office of the Circuit Clerk-Recorder. Patching and pasting of paper or other attachments to the plat is not acceptable. Allowance shall be made for a ½" border at the top, bottom, and right edges of the sheets and a 1½" border at the left edge of the tracing pages. When more than one sheet is used for a plat, a key map showing the entire subdivision on a smaller scale shall be denoted on the first sheet. ~~An IBM compatible diskette with the data in CAD compatible .DXF format in a format established by the Planning Department must also be submitted.~~ *The final plat must also be submitted to the Planning Department in a computer compatible media and in a format as determined by the Planning Department. (Ordinance O-00-112) Payment for any required street signs must be made to the Street Department prior to the filing of the plat. (Ordinance No. O-01-34)*

The Final Plat shall show or be accompanied by the following information:

- (1) Name of the owner and developer.
- (2) Name of the Registered Land Surveyor making the survey and preparing the plat.
- (3) Name of the subdivision and adjacent subdivisions.
- (4) The names of all streets.
- (5) The identifying numbers of lots and blocks in accord with a systematic numbering system.
- (6) North arrow, date, scale, and acreage being subdivided.
- (7) A certified boundary survey of the property with bearings and distances referenced to survey lines and established subdivisions with complete and accurate field notes of said boundaries. The lines with dimensions of all adjacent land, streets, alleys, easements and adjacent subdivisions shall be shown. Adjusted Arkansas State Plane Coordinates (NAD-83 (1997)) shall be shown for all boundary corners and all corners of record utilized, along with a statement indicating the ratio error of closure of the fieldwork. All CAGIS monuments shown on the approved preliminary plat for the phase being final platted shall be monumented with approved monuments.

- (8) Location of lots, streets, alleys, *sidewalks*, easements, building setback lines (both front and side streets) and other features shall be shown with dimensions. The purpose of the easements shall be shown on the plat, i.e., all easements are for utilities and storm drainage. *A note(s) shall also be shown indicating the responsibility of sidewalk construction (Developer and/or Homeowner/Builder). (Ordinance O-05-122)*
- (9) All necessary dimensions including linear, angular, and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimensions shall be shown by true bearings and degrees, minutes, and seconds. The length of all-straight lines, deflection angles, radii, tangents, central angles or curves and cords and arcs of curves shall be shown. All curve information shall be shown from the centerline of the street based on arc dimensions. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc dimensions.
- (10) The location of all survey monuments shall be indicated on the plat and the true courses and distance to the two (2) nearest established section corners or benchmarks or other recognized permanent monuments shall accurately be denoted.
- (11) Certification that all ~~taxes and~~ fees have been paid. *(Ordinance O-00-125)*
- (12) Construction drawings of all street improvements, sidewalks, storm drainage facilities, and public improvements shall accompany the final plat. As-built drawings of these improvements shall be submitted to the Street Department no less than one year after improvements are installed.
- (13) Copy of any restrictive covenants and the Bill of Assurance for the property. Such document(s) shall incorporate the same provisions as those filed with the Preliminary Plat including but not necessarily limited to the following: offering dedication of streets and alleyways, parks and other public lands, establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the restrictions and covenants of the subdivision setting forth procedures by which amendments to the Bill of Assurance can be made, and said Bill of Assurance shall contain reference to the approval of the Final Plat.
- (14) Letters shall be submitted by the Conway Corporation and by each utility company which will have service lines in the proposed subdivision stating the utilities have been installed or assurances given by utility company that improvements will be installed to the satisfaction of the City.

(15) Each Final Plat submitted to the Planning Commission shall be in accord with applicable State Statutes and carry the following certifications printed thereon:

a. Certificate of Owner

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the (streets, alleys, drives, easements, etc.) as shown on said plat."

Date of Execution: _____

Signed : _____

Name & Address

Source of Title: D.R. _____ Page _____

b. Certificate of Recording

This document filed for record _____ day, 200____ in Plat Book No. _____, page _____.

Signed _____

Circuit Clerk

c. Certificate of Surveying Accuracy

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Date of Execution: _____

Signed _____

Registered Land Surveyor

No. _____

State of Arkansas

d. Certificate of Final Plat Approval

Pursuant to the Conway Subdivision Regulations and all other conditions and approval having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of the said rules and regulations.

Date of Execution: _____

Signed _____
Conway Planning Commission
Chairman

ARTICLE III MINIMUM SURVEY STANDARDS

SECTION 1. GENERAL REQUIREMENTS

This Article is provided to establish minimum standards for surveying work performed for the development of subdivisions within the jurisdiction of the Planning Commission. This Article shall apply to all developments requiring the submittal of a preliminary or final plat to the Planning Commission or Planning Department for review and approval. All boundary surveys performed for the purpose of subdividing properties within the jurisdiction of the city shall conform to the “Arkansas Minimum standards for Property Boundary Surveys and Plats,” except where the standards contained within this chapter exceed those established by the state.

SECTION 2. HORIZONTAL CONTROL STANDARDS

- A. The horizontal datum for all survey work performed shall be the Arkansas State Plane Coordinate System – north zone – NAD 83 (1997) adjustment. All horizontal control work shall commence and end at a CAGIS geodetic control network monument or CAGIS first generation monument.
- B. Horizontal positions for all CAGIS monuments shall be determined to an accuracy standard equal to Urban Type A classification as defined by the Arkansas Minimum Standards for Property Boundary Surveys and Plats. All field techniques and procedures shall be compatible with the equipment utilized to insure that a true urban type A accuracy level is achieved.
- C. Position and reference information shall be provided on a standard data control form for a minimum of two (2) CAGIS monuments, which shall be intervisible with each other and submitted with the final plat. Forms may be obtained from the City of Conway Planning Department. These monuments will be included in the CAGIS geodetic control network if, after their review by the City, they are determined to be suitable for inclusion into the network.
- D. All interior corners of the subdivision (lot corners, street center line control points, etc....) shall be established and monumented to meet the minimum accuracy standards established by the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

SECTION 3. VERTICAL CONTROL STANDARDS

- A. The vertical datum for all survey work performed shall be the National Geodetic Vertical Datum 1988 Adjustment (NGVD88). All vertical control work shall commence and end at CAGIS geodetic control monument or CAGIS first generation monument.
- B. Elevations for all concrete monuments shall be determined to an accuracy standard equal to third order classification as defined by the federal geodetic control committee. All field techniques and procedures shall be compatible with the equipment utilized to insure that a true third order accuracy level is achieved.

SECTION 4. MONUMENTATION

- A. CAGIS monuments may be cast in place or prefabricated and shall be of similar construction described as follows:
 - (1) A minimum six-inch diameter steel reinforced concrete post set flush with ground. The concrete shall be 3,000-psi minimum compressive strength premix concrete.
 - (2) Monument shall be a minimum of thirty-six (36) inches in depth.
 - (3) Steel reinforcement shall consist of a minimum of two (2) thirty-four-inch long one-half-inch diameter steel bars. Bars shall be driven a minimum of six (6) inches into undisturbed soil.
 - (4) A brass or aluminum survey cap (including a permanent magnet), a minimum of two (2) inches in diameter shall be cast or grouted into the top of the concrete post.

The following information shall be stamped into the survey cap:

 - a. A stamped “.” to mark the precise location of point being monumented.
 - b. Registration number of the surveyor in charge.
 - c. Monument number as assigned by the City.
- B. All lot corners and boundary corners other than those described in paragraph (a) above, shall be monumented according to the specifications outlined with the “Arkansas Minimum Standards for Property Surveys and Plats” and any amendment made thereto.

ARTICLE IV GENERAL DESIGN PRINCIPLES

SECTION 1. CONFORMANCE TO GROWTH PLAN

The purpose of this portion of the Regulation is to specify the basic and minimum requirements for lots, blocks, streets, and other physical elements in new subdivisions. It also provides a guide for the staff, the Planning Commission and the applicant in the review and preparation of subdivision plats. To ensure the various purposes of the Subdivision Regulations are adhered to, all subdivisions hereinafter established shall conform with the various elements of the Growth Plan (Resolution Number R-96-9) adopted June 11, 1996 by the City of Conway and any subsequent amendments or modifications adopted by the City. The various elements of the Growth Plan, including the location of major thoroughfares and streets, location of parks, playgrounds, schools, and other public sites, and appropriate land uses, shall be designed to conform with minimum zoning and building regulations for the area in which the proposed subdivision is located.

SECTION 2. SUITABILITY OF LAND

Land subject to flooding or topographically unsuitable for residential occupancy and which the Planning Commission considers unsuitable for subdividing shall not be platted for any use that may increase the danger to health, life, and property or aggravate erosion or flood hazard. When such land is in the proposed plat, this land shall be set aside for such land uses as will not be affected by periodic flooding or unsuitable topographic conditions unless adequate corrective measures are formulated by the developer and approved by the Planning Commission.

SECTION 3. PROVISION OF LAND FOR PUBLIC PURPOSES

Where proposed community or public facilities of the municipal plan are located in whole or in part in a proposed subdivision, the Planning Commission, City Council, or public board shall require that land for those public facilities be reserved as a condition of preliminary plat approval.

Such reservations shall be referred to the appropriate public board, commission, or body having jurisdiction or financial responsibility to permit the opportunity to acquire said sites either through purchase, taking an option, or the filing of condemnation proceedings under the power of eminent domain. The contract to acquire the subject public site must be closed within 12 months following the date of approval of the preliminary plat by the Planning Commission or the subdivision process shall continue without regard for the proposed community or public facilities.

SECTION 4. ACCESS

Every subdivision shall be served by a publicly dedicated street and every lot or parcel within a subdivision shall have direct access to a publicly dedicated street, or in the case of a PUD, access to a public street by means of a private street, *or in the case of lots in C-1, C-3 and O-1 zoning districts, access to a public street by means of a dedicated access easement.* (Ordinance O-00-154) *In no case shall a lot be permitted where the lot is fronted by a stub-out or street termination. In such cases, dead-end fire apparatus turnarounds shall be provided. (Ordinance O-05-75)* All lots shall front on public streets except for PUDs where private streets may prevail subject to Planning Commission approval *and except for lots in C-1, C-3 and O-1 zoning districts, where access to a public street may be established through a dedicated access easement. (Ordinance O-00-154)*

SECTION 5. SUBDIVISION DESIGN STANDARDS

The quality of design of the urban area is dependent upon the quality of individual subdivisions. Good community design requires coordination of the efforts of each subdivider and developer in the community. The design of each subdivision shall be prepared in accord with the principles established by the Growth Plan for land use, traffic, circulation, community facilities and public utility services, and in accord with the following general design standards:

A. Streets

The location and width of all streets, thoroughfares, and roads throughout the Conway urban area shall conform to the growth plan. The arrangement, character, extent, width, grade and location of all streets shall be designed in accord with the following provisions:

- (1) Streets shall be related appropriately to the existing topography so as to produce usable lots and streets of reasonable gradient. Street grades and alignment shall conform reasonably to the original topography and in steep areas, through streets should generally follow contour lines rather than cross them. Combinations of steep grades and curves shall be avoided. Sudden and frequent changes in grade along arterials shall be avoided. Sharp horizontal curvatures should be avoided if possible at or near the high point of a crest, vertical curve, or near the low point of a pronounced sag or vertical curve.
- (2) The proposed street layout should be appropriate for the type and development proposed and integrated with the street system in the adjoining subdivisions. The layout shall also conform to existing and proposed land uses for the area.

- (3) The designers of residential streets are encouraged to lay them out to slow the use by through traffic, to permit efficient drainage and utility systems, and to require the minimum length of pavement necessary to provide convenient and safe access to property. Methods to slow traffic may include offset street centerlines, curvature of streets, narrowing of streets for limited distances, development of gateway entrances, changes in elevation of streets and/or a combination of methods. All methods must meet all relevant city regulations and must be approved by the City Engineer and the Planning Director. Multiple uses in an area are encouraged. If the Planning Commission determines that a residential street is being designed in such a way as to encourage high-speed and/or cut through traffic, it may require changes in the design and/or platting of that street or the use of traffic calming techniques so as to slow traffic and discourage cut-through traffic. At the initiation of the applicant, any such required change may be appealed to the City Council. (Ordinance O-00-17)
- (4) Proposed through streets shall be extended to the boundary lines of the tract to be subdivided unless the Planning Commission has determined that such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing and adjoining parcels.
- (5) New boundary streets (those bordering the perimeter of the property) shall be avoided except where the requirement of the Master Street Plan provides a defined alignment. In that event, the developer of the *proposed* plat ~~proposed~~ shall *provide payment to the City in lieu of construction for one half of the street construction cost and shall* dedicate no less than one-half of the specified right-of-way as noted on the Master Street Plan. (*Ordinance No. O-01-08 removed the section in italics, Ordinance No. O-01-85 reinstated it and Ordinance No. O-03-110 once again removed it.*)
- ~~(6) *The City in turn shall build the boundary street within five years from the date of plat acceptance or shall return the full amount of escrowed money plus interest to the developer. (Ordinance No. O-01-08 removed the section in italics and Ordinance No. O-01-85 reinstated it.) Exemption: If the City Council, by majority vote, establishes that the new boundary street will not be built with city funds over the next five years, no payment for future improvements of the street shall be required. (Ordinance No. O-02-65 created this paragraph and Ordinance No. O-03-110 removed it.)*~~

- (7) The Planning Commission may authorize a new boundary street when the subdivider proposes to dedicate the entire right-of-way and construct all the required improvements. In no case shall a subdivider retain a parcel of land lying between a newly created boundary street and a former property line, the purpose of which would be to deny access by abutting owners. Where the plat to be submitted includes only a part of the tract owned or intended to be subdivided by the subdivider, a tentative plan of proposed future street system for the unsubdivided portion of property shall be prepared and submitted to the Planning Commission. Furthermore, proper access in the form of stub streets or temporary dead-end streets shall be provided to adjacent unplatted property unless, in the judgment of the Planning Commission, topographic conditions or physical constraints preclude reasonable provision of such access or alternate routes are or will be available in the future.

~~(7A) Existing streets which do not meet city standards for width and construction and which abut any property submitted for subdivision or replatting which results in a greater number of lots than the number existing, shall be improved to city standards. For existing boundary streets which do not meet these city width and construction standards, the requirements in (5) above apply. (Ordinance O-01-85) As an option to meeting the requirements in (5) above, the developer may submit a performance bond or an irrevocable letter of credit in the amount of one half the street construction cost and that bond or letter of credit must meet the requirements of **ARTICLE VI, SECTION 5** of this ordinance, except the performance bond or irrevocable letter of credit must run for five years and the City of Conway may have access to the money at any time during that five years in order to complete the street improvements. If the City does not initiate construction of the improvements during that five years, the performance bond or letter of credit shall be allowed to lapse. (Ordinance No. O-03-32) Exemption: If the City Council, by majority vote, establishes that the boundary street will not be improved with city funds over the next five years, no payment for future improvements of the street shall be required. (Ordinance O-01-101 created this paragraph and Ordinance No. O-03-110 removed it.)~~

(8) Cul-de-sac Streets

- a. Cul-de-sacs tend to reduce the number of connections and choices available for people traveling by automobile and increase congestion on other streets. Where cul-de-sacs are utilized, pedestrian and bicycle pathways to allow linkages with like abutting properties and the street system may be provided. Construction standards for the pedestrian and bicycle pathways shall be the same as for sidewalks. For instance, pathways could be provided linking the backs of lots fronting on the termination of cul-de-sacs and providing access to sidewalks along through streets.

- b. Cul-de-sac streets or courts designed to have one end permanently closed or streets or street loops with a single access shall have a distance no greater than six hundred and fifty (650) feet from the point of access to the nearest point of the furthest lot with the distance measured along the shortest route within the street right-of-way.

Exceptions:

- 1. A cul-de-sac street may be up to one thousand one hundred and twenty (1120) feet in length if it has a right-of-way of not less than sixty (60) feet in width, a paved width from back of curb to back of curb of not less than forty (40) feet and it meets all other requirements for a cul-de-sac.
 - 2. A residential cul-de sac street may be up to one thousand one hundred and twenty (1120) feet in length if it has a right-of-way of not less than fifty feet in width, a paved width from back of curb to back of curb of not less than twenty-seven (27) feet, all lots provide no less than ninety (90) feet of width at the building line per dwelling unit and it meets all other requirements for a cul-de-sac.
 - 3. *Any cul-de-sac over 750 feet must have fire department approval. (Ordinance O-05-75)*
- c. Where a street does not extend to the boundary of a subdivision and its continuation is not necessary for access to adjoining property, its terminus shall be no closer than 50 feet to such boundary.

- d. An acceptable turnaround shall be provided at the end of all permanent dead-end streets exceeding 150 feet in length. Turnarounds for residential and commercial streets shall conform to dimensions and requirements shown in Figure A, Table 1, and Table 2. A 96 foot diameter cul-de-sac requires a 120-foot right-of-way. Measurements assume back of curb to back of curb for a roll curb. (Ordinance O-00-75)

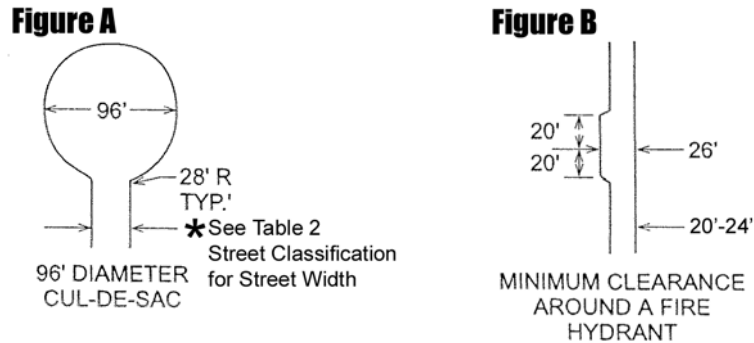


Table 1 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20*	None required
151-500	20*	96-foot-diameter cul-de-sac in accordance with Figure A
501-750	26*	96-foot-diameter cul-de-sac in accordance with Figure A
Over 750		Special approval required

* Minimum fire apparatus widths see table 2 for required public street widths

- e. In the case of temporary dead-end streets, *less than 150 feet in length*, which are stub streets designed to provide future connections with unsubdivided adjacent areas, the Planning Commission may require a temporary easement for a turnaround of the type discussed above. *No building permit may be issued for lots with sole frontage on a stub out or at the end of a stub out without an approved turnaround.* (Ordinance O-05-75)
- (9) The Planning Commission shall have the authority to determine the street names and to require changes in any proposed names.

(10) Intersections and Alignment

- a. Street intersections shall be laid out as nearly at right angles as possible. The centerline of no more than two streets shall intersect at any one point. No intersection shall be at an angle of less than seventy-five (75) degrees and where collector and arterial streets intersect other collector or arterial streets, the curb radii at the intersection shall not be less than thirty-one and one-half (31 1/2) feet. Where residential streets intersect with other residential, collector or arterial streets, the curb radii at the intersection shall not be less than ~~twenty-five (25)~~ *twenty-eight (28) feet.* (Ordinance O-05-75)
- b. Local street centerline offsets of less than 125 feet shall be avoided. Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersection on the opposite side of the street. In proximity to intersections of collector streets and above in the Functional Classification System, centerline offsets of less than 250 feet shall be avoided.
- c. Additional street paving and right-of-way in the form of turning lanes ~~shall~~ *may, upon consultation with the City Engineer and/or the Planning Staff,* be required along arterial streets at intersections with other arterial or collector streets. (Ordinance No. O-03-36)
- d. Property line corners at street intersections shall be rounded with a radius of at least ~~twenty-five (25)~~ *twenty-eight (28) feet.* (Ordinance O-05-75)
- e. Street intersections shall be located to avoid creating hazardous driving conditions.

(11) Street grades and minimum design standards shall be provided as noted on Table 2 below.

**TABLE 2
STREET CLASSIFICATION & DESIGN STANDARDS
CITY OF CONWAY**

DESIGN STANDARD	MAJOR ARTERIAL	MINOR ARTERIAL	COLLECTOR	RESIDENTIAL COLLECTOR	RESIDENTIAL	MINOR RESIDENTIAL
Approximate Design Speed	50 mph	40 mph	30 mph	25 mph	25 mph	20 mph
Maximum Grade (%)	8%	9%	10%	10%-12%	10%-12%	10%-15%
Minimum Right-of-Way	100'	80'	60'	60'	50'	50'
Minimum Street Width (back to back of curb)	60'	48'	36'	36'	27'	24'
Minimum Sight Distance (at crest of vertical curve)	475'	325'	200'	200'	150'	110'
Minimum Horizontal Radius at Centerline (subject to City Engineer approval)	1,400' Preferred 900' Minimum	900' Preferred 600' Minimum	450' Preferred 200' Minimum	200' Preferred 100' Minimum	150' Preferred 50' Minimum	150' Preferred 50' Minimum
Minimum Horizontal Tangent Distance Between Reverse Curves	1,400' Preferred 200' Minimum	300' Preferred 200' Minimum	200' Preferred 50' Minimum	50' Preferred 25' Minimum	50' Preferred 0' Minimum	50' Preferred 0' Minimum
Sidewalks	both sides	both sides	both sides	both sides	both sides	both sides
SUPER ARTERIAL						
The specific design standards for this classification are to be determined on a road-by-road basis, dependent upon the specific needs of the road. It is anticipated that the design standards will be of a higher standard than a major arterial, but of a lower standard than for an interstate or expressway.						

SPECIFIC STREET DESIGN STANDARDS

1. Commercial, Office, and Industrial Streets - Streets within commercial, office, and industrial zones must meet requirements for collectors and above.
2. Central Business District Rights of Way - For existing streets in the C-1 Central Business District, no additional right of way dedication that would encompass any existing buildings is required during the replat or subdivision process.
3. Residential Open Ditch Standard - For residential subdivisions and replats where each lot is one hundred fifty (150) or more feet in width at the building line, and where each lot accommodates no more than one dwelling unit, the minimum street width is reduced four (4) feet, a three (3) foot compacted gravel shoulder is required on each side, no curbs or gutters are required and open ditches are allowed. An additional five (5) feet of drainage easement is required on each side of the street right-of-way to accommodate open ditches. No further subdivision creating lots less than 150 feet in width and no density greater than one dwelling unit per lot shall occur without improving the entire length of the street to residential street standards. Streets within commercial and office zones shall not utilize this open ditch street standard. Sidewalks are required.
4. Major and Minor Arterial Paving Width - Developers are responsible for the cost of the first 36 feet of paving width of major and minor arterial streets. The City of Conway will be responsible for the cost of any additional width of streets should the City choose to have a wider street built. The City may choose to build or have built a lesser width than that shown in the Street Classification and Design Standards Table for major and minor arterial streets, but no less than thirty six (36) feet, except when the first phase of a four lane or greater roadway is being built.
5. Curb Cut/Traffic Conflicts - For subdivisions and replats that abut collectors, minor arterials, and major arterials, the lots shall be configured to allow curb cuts on those streets only as a final option for providing access.
6. Minimum Lot Width on Collector and Above - In order to reduce potential traffic conflict points caused by lots with less than 100 feet of street frontage with access to collectors, minor arterials, and major arterials, the Planning Commission and/or the Director of Planning may require the grouping or sharing of driveways. Driveway access easements will be shown on the plat/replat. (*Ordinance-11-98*)

7. Residential Street Grade Maximums - With approval of the Fire Chief and Planning Commission, streets classified as residential may have grades up to a maximum of twelve percent (12%) and minor residential streets a maximum of fifteen percent (15%).
8. Fire Hydrant Clearance - A minimum clearance of twenty-six (26) feet must be provided around a fire hydrant. See Figure B.
9. Curb Island Clearances - A minimum clearance of twenty (20) feet must be provided on each side of an island within the street right of way. Street right of way must extend ten (10) feet beyond outside curbs where islands are used.
10. Industrial Open Ditch Standard - For subdivisions in I-3 zoning areas with lots having a minimum of two hundred (200) feet of street frontage, an industrial open ditch street standard may be adopted. This industrial open ditch standard consists of a thirty (30) foot wide asphalt surface with three (3) foot gravel shoulders and open ditches. Ten (10) feet of drainage easement is required on each side of the street right-of-way to accommodate open ditches.

(Ordinance-08-94)

B. Alleys

- (1) Alleys may be required at the rear of all lots used for nonresidential purposes where access for service, emergency vehicles, etc. is not otherwise adequately provided. Alleys shall be permitted in residential areas.
- (2) All alleys must be paved with concrete, which meets the minimum street requirements with the center depressed to carry water. Curbs and gutters are not required. The paved width of an alley shall not be less than sixteen (16) feet with a minimum right-of-way of not less than twenty feet.
- (3) Where alleys are provided, intersections and sharp changes in alignment shall be avoided and dead-end alleys shall be avoided where possible.
- (4) No parking shall be allowed in alleys.

C. Easements

- (1) Easements across lots or centered on rear or side lot lines shall be provided for utilities and shall be at least ten feet in width. Easements shall be provided where a subdivision is traversed by a water course, drainage way, channel or stream, or there shall be provided a storm water easement conforming substantially with the lines of the water course and shall be adequate for such intended purpose.
- (2) The easement width shall be in conformance to the requirements as dictated by the City Engineer and/or Conway Corporation for the intended purposes. No building or structure may be erected over or within an easement.
- (3) Major utility, drainage and other easements traversing the urban area shall be considered an opportunity for an open space linkage and an extension of the open space system for adjoining developing subdivisions. Where possible, pedestrian trail and pathway systems ~~should~~ *shall* link other open space corridors by these easements and another easement for pedestrian and bicycle pathways ~~should~~ *shall* be established within that easement. (*Ordinance O-05-122*)

D. Utilities

The subdivider shall coordinate with the Conway Corporation and other local utilities the design, supply and installation of all utilities serving subdivisions within the planning jurisdiction of the City of Conway.

E. Blocks

- (1) The links with and shape of blocks shall be determined with regard to the following:
 - a. Provision of adequate building sites suitable to the special needs of the type of use proposed.
 - b. Zoning requirements as to lot sizes and dimensions.
 - c. Needs for convenient access, circulation, and control and safety of street traffic.
 - d. Limitations and opportunities of topography.
- (2) Blocks of less than four hundred (400) feet in length or more than one thousand five hundred (1,500) feet in length shall be prohibited. Blocks of over one thousand (1,000) feet in length may require a public crosswalk within a dedicated easement of not less than fifteen (15) feet in width including a paved crosswalk not less than five (5) feet in width to provide pedestrian circulation.
- (3) Blocks intended for business and industrial uses should be of a width suitable for the intended purpose with due allowance for off-street parking and loading facilities.
- (4) Residential blocks shall be wide enough to provide two tiers of lots of minimum depth except where fronting on freeways, expressways and major thoroughfares or prevented by topographic constraints in which case the Commission may approve a single tier of lots of minimum depth.

F. Lots

- (1) Every lot shall abut upon a public street except where private streets are explicitly approved by the Planning Commission in Planned Unit Developments *or where lots in C-1, C-3 or O-1 zoning districts are explicitly approved by the Planning Commission, with access to a public street by way of a dedicated access easement. (Ordinance O-00-154) In no case shall a lot be permitted where the lot is fronted by a stub-out or street termination. In such cases, dead-end fire apparatus turnarounds shall be provided. (Ordinance O-05-75)* The shape of residential lots shall conform to the design of the subdivision. The Planning Commission shall judge lot shapes on the type of development and the use for which the lot is intended.

- (2) Except as provided herein, the minimum lot dimensions shall conform to the requirements of the Zoning Ordinance for the zoning districts within which the subdivision is located. Within the extraterritorial planning jurisdiction (land area currently not zoned) the minimum lot dimensions shall be width of sixty feet and a depth of one hundred (100) feet.
- (3) No lot shall be more than four times as deep as it is wide.
- (4) The minimum building setback line shall be not less than twenty-five (25) feet from the right-of-way of the front street, or as required by the Zoning Ordinance. Corner lots shall have a setback of twenty-five (25) feet from the front lot line and twenty-five (25) from the exterior side lot line, or as required by the Zoning Ordinance. Building lines may be less than twenty-five (25) feet when the average slope of the first fifty (50) feet of a lot is greater than 20% gradient.
- (5) A minimum building setback line shall be established on the plat not less than twenty-five (25) feet from any floodway boundary. This shall not affect plats that have been initiated prior to the passage of this ordinance and filed while final plat approval is in effect.
- (6) Corner lots shall be at least seventy-five (75) feet in width at the building line to allow for side building lines. Corner lots should be roughly 20% larger than interior lots.
- (7) Double frontage lots other than corner lots fronting on two streets shall not be platted except under extreme circumstances, as may be approved by the Planning Commission, in which case building lines shall be established for both front and rear lot lines. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential developments and traffic arteries or to overcome specific topographic or site constraints. Where double frontage exists, a planting screen easement of at least ten feet shall be provided along a portion of the lot abutting the traffic artery or other use where screening is required. In this circumstance there shall be no right of access across the planting screen easement. At the discretion of the Planning Commission, the developer may substitute for an easement and a planting screen, a permanent ornamental fence, or wall of the height and architectural character, which will be appropriate and appropriately screened. Should the ornamental wall or fence be used, there shall still be a restriction upon right of access and such restriction shall clearly be so designated on the plat and within the accompanying Bill of Assurance.
- (8) Every lot must slope to a street or to a drainage easement.

SECTION 6. ACCESS REQUIREMENTS

(1) *Single Family and Two Family Access Requirements:*

The maximum number of single-family and two-family residential units served by a single access shall be thirty (30). For more than thirty (30) living units, there shall be no fewer than two (2) separate and approved fire apparatus access roads. These two access roads shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. For more than two hundred (200) living units, three (3) access routes must be provided. Two access roads must meet the above separation requirements, the third access must be no less than 200 feet from any other access, measured from centerline to centerline of street rights-of-way. (Ordinance O-05-75)

(2) *Multi Family Access Requirements:*

Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the International Fire Code.

Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

The number of dwelling units on a single fire apparatus road shall not be increased unless fire apparatus access roads will connect with future development, as determined by code official. (Ordinance O-05-75)

(3) A single access point to premises may have one or more lanes in the same direction, but shall be considered one access point. An access route is defined to be a continuous, uninterrupted vehicular travel way which begins as a departure from a collector (including residential collectors), minor arterial, or major arterial, as defined in the Functional Classification System for Conway's Streets, and extends to the nearest point of each lot occupied by a living unit or living units, or, in the case of a single lot multi-family development, to the paved point nearest to each building housing living units. These access routes must be in the form of dedicated street rights-of-way, except for access routes within single lot multi-family developments, which may take the form of private drives upon the one lot. Required access routes shall not overlap. An access point is the point of departure from an existing street or road from which the new project expects to gain access.

ARTICLE V IMPROVEMENTS

SECTION 1. GENERAL PROVISIONS

Every subdivider shall be required to install at his own expense or to have installed by the appropriate public utility the required improvements listed in the following sections.

SECTION 2. STREETS

A. Minimum Thicknesses for Asphalt Paved Streets

All asphalt-paved streets must meet the following requirements for minimum thicknesses for street construction:

MINIMUM PAVEMENT THICKNESS FOR CITY STREETS:			
	Asphalt Surface Course	Asphalt Binder Course	Crushed Stone Base
Minor Residential & Residential	2"	None	7"
Residential Collector & Collector	1"	2"	10"
Minor Arterial	1"	2"	10"
Major Arterial	Recommendation of City Engineer		

B. Notification

The Conway Street Department shall be notified twenty-four (24) hours prior to placement of any fill material, installation of storm drainage pipe or drainage structures, concrete curb and gutter, or placement of crushed stone or asphalt. The sub grade shall be approved by the Conway Street Department prior to placement of curb and gutter or crushed stone.

C. Earthwork Equipment

Earthwork equipment shall include an appropriate sized vibratory sheeps foot compactor and motor patrol.

D. Grading and Subgrade Preparation

The streets shall be shaped and graded in accordance with the approved street plans. Street widths shall be as specified in Table 1. The sub grade shall be compacted to 95% Modified Proctor Density (from back of curb to back of curb). Soft, yielding sections of sub grade shall be removed and replaced in six (6) inch maximum lift thicknesses with each lift compacted with a sheeps foot roller (compaction with track equipment or other equipment not specifically designed for earthwork compaction is not suitable) to 95% Modified Proctor Density. Fill material shall be approved by the Conway Street Department prior to use in street fills (no top soil or organic material shall be included in the fill material). The moisture content of the fill material shall be plus or minus 3% of optimum. All earthwork, including the sub grade (back of curb to back of curb) shall conform to the requirements of Sections 210 and 212 of Arkansas State Highway Department's "Standard Specifications for Highway Construction". Prior to placement of the crushed stone base course, the sub grade must field demonstrate that it is firm and unyielding to the passage of equipment over the sub grade. The sub grade shall be approved by the Conway Street Department before curb and gutter or crushed stone is placed.

E. Asphalt Street Standards

- (1) The base shall consist of crushed stone base course conforming to the requirements of a Class 7 aggregate base course as specified in Section 303 of the Arkansas State Highway and Transportation Department's "Standard Specifications for Highway Construction". The base course shall be prepared in accordance with Section 304 of the Arkansas State Highway and Transportation Department's "Standard Specifications for Highway Construction".
- (2) The surface course shall consist of Asphaltic Concrete Hot Mix conforming to the requirements of Section 407 of the Arkansas State Highway and Transportation Department's "Standard Specifications for Highway Construction".

F. Concrete Street Standards

Base course or sub grade is to be compacted in keeping with Arkansas Highway Department Standard Specification, Section 302. Concrete pavement is to be constructed according to Section 501 Portland Cement Pavement Specifications. Concrete is to be 3,000 lbs. (PSI) compressed strength placed on a thoroughly compacted and graded sub grade. Concrete is to be poured in separate lanes with a maximum width of 15 feet. Transverse joints shall be of two (2) inches wide felt strip 1/16th to 1/4 inch thick at 15-foot intervals for contraction joints. The poured surface grade shall have a minimum thickness of six (6) inches of concrete. Reinforcing tie bars, where required, shall be in general conformance with the Portland Cement Association recommendations.

G. Curbs and Gutters and Sidewalks

Curbs and gutters are required for all streets unless otherwise specified. The curb and gutters shall be concrete twenty-four (24) inches in width with a ~~six (6) inch upright curb~~ four (4) inch high roll curb as detailed on the approved plans. ~~Driveways along streets with this curb shall be constructed so that the curb height is reduced to one and one half inches (1.5) across the driveway as per detail approved by the City Engineer.~~ (Ordinance O-08-49 / REPEALED 9-9-2008) Expansion joints (1/2" remolded material) shall be placed on each side of drainage structures, at the ends of the radius at intersections and cul-de-sacs and at maximum one hundred (100) foot spacing throughout the length of the curb and gutter. Expansion joints (1/2" premolded material) shall be provided in the sidewalk where abutting driveways, concrete curb and gutter or other rigid items and at one hundred (100) foot maximum spacing throughout the length of the sidewalk. Material and construction shall conform to the requirements of Section 634 of the Arkansas State Highway and Transportation Department's "Standard Specifications for Highway Construction".

H. Storm Drainage Pipe

All storm drainage pipe shall be RCP Class III unless specifically approved otherwise by the City Engineer.

I. Debris Removal

All mud and soil shall be removed from the crushed stone base and concrete curb and gutter prior to set up of the crushed stone course.

SECTION 3. ALLEYS

Alleys shall be concrete or asphalt paved and conforms to street standards. The paving shall be formed in such a manner as to carry water longitudinally to the street and/or storm drainage system.

SECTION 4. STORM DRAINAGE

- (1) Every subdivision shall be served by a storm drainage system including drains, sewers, catch basins, culverts, and other appropriate storm drainage facilities. All subdivisions shall be provided with a storm drainage system that is designed and constructed to handle rainfall runoff that originates or traverses the subject subdivision. Storm drainage capacity upstream and downstream of the property must be addressed in the project planning. Storm drainage for residential areas and for shopping centers, industrial areas, and highway commercial areas shall be designed for a 10-year rainfall frequency. The quantity of runoff shall be calculated using acceptable engineering methods of computation. Such computations shall be checked and approved by the City Engineer. All drainage facilities shall be so designed to serve the entire drainage area and all surface drainage shall be transported to existing storm sewers or to drainage facilities as approved by the City Engineer. The City Engineer and the Planning Commission shall approve all drainage features. No open drainage channels

shall be constructed within the area dedicated as public streets and alleys with the exception of streets constructed under the provisions of footnote (3) in Table 1.

- (2) The developer/subdivider shall pay for all costs incurred within the internal drainage system including the cost of facilities to handle water coming into the subdivision from lands owned by parties other than the developer. The City may, at its discretion, participate in the cost of oversize storm sewer lines.
- (3) The size and capacity of storm drainage systems receiving the storm water discharge downstream of the subdivision shall be shown on the street plans and evaluated to determine if the downstream systems are adequate. Off site drainage, improvements may be required by the city engineer if significant adverse impact is anticipated.
- (4) Provision shall be made to intercept and divert surface or concentrated storm water flows within or along the boundary into storm drainage systems. Generally, drainage areas greater than one acre flowing onto or away from individual lots shall be intercepted in drainage ways located in drainage easements and routed into the subdivision storm drainage system.
- (5) All open ditches within the subdivision must be improved to provide a condition equal to concrete bottom and concrete sidewalls.
- (6) Storm drainage pipes, ditches, and drainage structures must be free of sediments, trash, and debris and ponding water prior to final approval of the streets.
- (7) *The development plans shall include and identify a prepared and dedicated flowage path or floodway that will accommodate a one hundred (100) year frequency storm event across and through the development. The quantity of water that the floodway area must accommodate shall be based on a one hundred (100) year rainfall event less that accommodated by the underground storm drainage system. The floodway or flowage area shall generally follow the natural low place or valley through the development. It is anticipated that the street system or open ditches will be utilized where practical to accommodate the floodway. Where the floodway area leaves the street right-of-way, the area shall be shaped and graded to form a surface channel of adequate capacity to accommodate the flow with a positive downstream gradient along its entire length. The floodway shall be uniformly graded along the length of the floodway such that water will not pond or accumulate on the surface due to humps or depressions along the route. The floodway shall be designed to receive one hundred (100) year runoff from the upstream adjacent property and properly discharge the runoff at the downstream limits of the floodway. The estimated elevation of the one hundred (100) year flood shall be computed along the floodway. Computations for the quantity of storm water runoff, sizing of the floodway and elevation of the one hundred (100) year flood shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer. A floodway will not be required where less than five (5) acres of adjacent lands drains onto the developed property and the total drainage area is less than five (5) acres.*

- (8) *An easement of adequate width to accommodate the required floodway shall be provided on the plat. The easement shall clearly identify the easement as a “100-year Floodway”. The plat shall have a note that reads as follows: “No structures, fill or obstructions shall be placed in the 100 year Floodway easement. No reshaping of the surface within the 100-year Floodway easement shall be made without the approval of the City Engineer. No fences shall be in the floodway easement.”*
- (9) *Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.*
- (10) *Storm water detention or other storm water flow reduction measures shall be provided where existing downstream subdivisions or developments have storm drainage systems with a capacity of less than a ten (10) year frequency storm. The requirement does not apply to the inadequate natural streams or creeks flowing through undeveloped areas. The storm water detention facilities shall be designed to provide a holding area such that storm water runoff can be accumulated and released through at an outlet structure. The required storage volume and outlet structure shall be sized to release the storm water at a rate that does not exceed the capacity of the downstream storm drainage system or a computed runoff rate equal to that of the pre-development conditions of the proposed development, whichever is the greater. The detention facilities shall be based on a twenty-five (25) year frequency storm event. Computations for the sizing of the detention facilities and outlet structure shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer.*
- (11) *Detention basins may be either wet basins having a permanent pool of water for aesthetic purposes or a dry basin that retains no water other than that required during the storm event. A dry basin shall be graded and shaped to provide for the positive drainage of surface water from all portions of the basin. A concrete paved channel may be required from the inlet pipe to the outlet pipe to provide a maintainable bottom area.*
- (12) *An easement shall be placed around the high water limits of the detention area.”*
(Ordinance No. O-03-156)

SECTION 5. WATER SUPPLY

- (1) All subdivisions containing more than 4 lots within the corporate limits shall be provided with a water supply and a distribution system approved by the Conway Corporation and meeting the requirements of the State Health Department. The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision including fire protection. Recognized engineering design criteria shall be used to design the system. Fire hydrants shall be installed by the subdivider and shall be located so as to adequately protect each lot within the subdivision. Fire hydrant location shall be approved by the Conway Corporation and shall be placed so that *the furthest point of a lot in a residential subdivision is no more than 900 600 feet from the nearest hydrant on the same street. Fire Hydrants shall be placed so that the furthest point of a lot in a commercial subdivision is no more than 400 feet from the nearest hydrant located on the same street.* The Planning Commission may require other appropriate spacing in commercial and/or industrial subdivisions. (*Ordinance O-05-75*)
- (2) Where lot splits or minor subdivisions are proposed outside the corporate limits and subject to State Health Department approval, well water may be acceptable by the Planning Commission as a water supply source.

SECTION 6. SANITARY SEWAGE DISPOSAL

- (1) All subdivisions shall be provided with an improved sewage collection and treatment system. Connection with the City's sanitary sewer system shall be required except where the Planning Commission determines that such connections will require unreasonable expenditure when compared with other methods of appropriate sewage disposal. Where a public sanitary sewer is within 300 feet of any point of a subdivision, the subdivider shall install a system of sewer lines and provide connection to each lot. Such sanitary sewage system shall be installed prior to the installation of the street pavement.
- (2) Where a public sanitary sewer is not readily accessible, an alternative method of sewage disposal for each lot or a community sewage disposal system may be used when in compliance with the standards of the Health Department and these Regulations.
- (3) If a sanitary sewage treatment system or septic tank system is to be installed, plans for such system shall be approved by the State Department of Health and the Conway Corporation prior to approval of the Final Plat by the Planning Commission.
- (4) The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision including development of future sections of the same subdivision and adjacent areas within the same drainage basin or pump station service area. Recognized engineering design criteria in accord with the requirements of the State Department of Health shall be utilized to design the system.

- (5) Any surface discharge of wastewater shall be in accordance with requirements of the Arkansas Department of Pollution Control and Ecology. The downstream drainage route for any surface discharge shall be shown on the plat to the point of connection to a year round flowing stream.

SECTION 7. OTHER UTILITIES

Other utilities installed within a subdivision shall be located within the dedicated public rights-of-way or appropriately dedicated easements. If stubs to the property lines are not installed, connections between the lots and the utility lines shall be made without breaking into the street surface where possible. It is the intent of the City Council in adopting the provisions of these Regulations related to public utilities that the existing subdivision regulations, codes and ordinances specifically pertaining to public utilities, whether in effect or hereinafter enacted, shall be and remain in effect and shall not be repealed by the enactment of this subdivision ordinance.

SECTION 8. STREET NAME MARKERS

Street name signs shall be placed on diagonally opposite corners of each street intersection in conformance with the specifications adopted by the City. Street name markers shall be installed by the City at the developer's expense. Design of the markers and signs shall conform to the City's standards.

SECTION 9. SIDEWALKS

Sidewalks shall be constructed within any subdivision in accordance with these regulations. The minimum construction requirements for sidewalks are as follows:

1. Sidewalks shall be constructed on both sides of all streets within all zoning districts within Conway city limits and within the Conway Territorial Jurisdiction.
Exceptions:
 - A. A minor replat not creating any new lots shall not require the construction of sidewalks or payment of sidewalk in-lieu fees.
 - B. Subdivisions in the I-3 zoning district are not required to construct sidewalks or pay sidewalk in-lieu fees.
 - C. Large lot subdivisions outside the city limits and within Conway's Territorial Jurisdiction are not required to construct sidewalks. A large lot subdivision is defined as a subdivision having lots with greater than 150 feet of street frontage.
2. All sidewalks shall be handicapped accessible to public streets at street corners and at designated mid-block public service drives/alleyways. Sidewalks shall meet American Disability Act standards.
3. Sidewalks As Part of Commercial, Multi-Family, and Mixed Use Developments:
Sidewalks along streets in commercial, multi-family, and mixed use subdivisions shall be constructed concurrently with building construction as part of site development review. Sidewalks shall be the responsibility of the builder/owner, not the subdivider.

The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. However, the subdivider/developer of commercial subdivisions/replats with pre-existing development shall be required to meet the sidewalk provisions of Article 1101 Development Review of the Conway Zoning Ordinance.

4. Sidewalks Along Residential Streets: Sidewalks along streets with residential lots shall be constructed by the homeowner/builder. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. Subdivisions which received preliminary plat approval prior to October 31, 2005 shall be exempt from the requirement to construct sidewalks on residential streets, however, these subdivisions with residential exemptions shall include sidewalks along both sides of streets classified as collector or above.
5. Sidewalks along streets on unbuildable, green space, and other permanently vacant lots will be the responsibility of the subdivider/developer.
6. When a subdivider/developer creates double frontage lots with one side along a street classified as a collector or above, the subdivider/developer shall construct sidewalks along the collector or greater street frontage.
7. When a subdivider/developer creates a residential boundary street, the subdivider/developer shall construct sidewalks along previously developed lots.
8. Any subdivider/developer required sidewalk shall be constructed concurrently with other subdivision infrastructure. Such construction shall be completed or assurance for construction shall be required along with other infrastructure improvements prior to filing of the final plat.
9. All sidewalk construction, locations, and responsibility for construction shall be clearly identified on the final plat. Detailed sidewalk construction drawings coordinating sidewalks with other street/lot/easement infrastructure shall be shown on or included with the final plat.
10. The subdivider/developer may request a waiver from the required sidewalk construction. The Planning Commission should grant this money in-lieu of sidewalk construction only in extreme circumstances. The Planning Commission shall review the following factors to determine whether or not to grant this waiver:
 - Pedestrian traffic generators such as parks and schools in the area.
 - The existence of a sidewalk network in the area.
 - The density of current and future development in the area.
 - The amount of pedestrian traffic likely to be generated by the proposed development.
 - Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk.
 - The design of the subdivision such that utilities, the location of structures, rights of way, easements, etc., create conditions making sidewalks impractical.
 - The overall need for a sidewalk to be constructed on the lot.

If a waiver is granted, the subdivider/developer shall contribute an amount of money in lieu of sidewalk construction equal to \$15 per linear foot of the required sidewalk. This in-lieu fee shall be subject to a maximum fee equivalent to one hundred twenty five (125) feet per street frontage. This maximum in-lieu fee will be retro-active to subdivisions filed after January 1, 2008.

This money 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 money from this sidewalk fund shall be at the discretion of the Conway City Council. Contributions to this fund are to be expended within two (2) years to serve a sidewalk project. This per linear foot in-lieu fee shall be reviewed by the City Council at least every five (5) years. 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.

An subdivider/developer may appeal the sidewalk construction requirement/in-lieu fee to the City Council. The City Council shall use the above waiver factors to determine if an exception may be made. If the Council makes an exception, the subdivider/developer shall construct an equivalent amount of sidewalk in a location designated by the City Council.

11. Aside from the required sidewalks along collectors and arterials, an internalized pedestrian circulation system in the form of pathways, either along streets or not, may be constructed within subdivisions upon the request of the applicant and the approval of the Planning Commission. The system may be allowed to deviate from the construction requirements set out otherwise in this section, as long as the minimum dimensional requirements are met.

(Ordinance-08-94)

- (12) *Sidewalks are to be constructed as required within the Conway city limits and within the Conway Territorial Jurisdiction. Subdivisions developed with open ditch design standards as addressed in Table 2, "Street Classifications and Design Standards", are also required to construct sidewalks.*

(13) Sidewalk Specifications

- (A) Size. *Sidewalks shall be a minimum of five (5) feet wide and four (4) inches thick with the cross section approved by the City Engineer.*
- (B) Grades; establishment of property lines. *All sidewalks, streets curbing and guttering, and driveway approaches shall be constructed in grades as established by the city official. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.*
- (C) Sidewalk distances from the curb. *The sidewalk shall be installed in the dedicated public right of way. The edge closest to the street shall generally be a minimum of five and one-half (5.5) feet from the back of the curb line unless specifically approved otherwise.*
- (D) Cement-concrete requirements. *All sidewalks shall be constructed of a portland cement concrete mixture which will produce a concrete of a compressive strength of*

three thousand (3,000) pounds per square inch after 28 days set under standard laboratory methods.

- (E) ADA guidelines. *Sidewalks shall conform to the latest ADA guidelines.*
- (F) Sidewalk grade continuous through driveways. *Driveways shall be constructed to conform to the slope and grade required to accommodate the sidewalk.*
- (G) Sidewalk elevation. *The sidewalk elevation shall be two (2) percent above the top of the curb, sloping two percent towards the curb (one-fourth inch in each foot). This elevation shall be continuous through the driveway approach.*
- (H) Driveway approach. *The area remaining between the sidewalk and the flow-line of the gutter, called the approach to the driveway, shall slope up to the elevation of the sidewalk.*
- (I) Joint material. *Wood shall not be acceptable in sidewalks for expansion joints. The joint material shall be the same as approved for AHTD sidewalk construction (AASHTO M 213).*
- (J) Expansion joint. *Full depth expansion joints (four inches) shall be provided at intervals not greater than 50 feet. One-quarter depth (one inch) weakened plane joints, or saw-cut joints, shall be placed in sidewalk at regular intervals not greater than 5 feet apart.*
- (K) Edges. *All sidewalks shall have one-half (1/2) inch rolled edges.*
- (L) Removal/replacement. *Removal and replacement of broken sidewalks require vertical saw-cuts on both ends of the sidewalk being replaced.*

Design Variance. *A variance from these design standards may be granted for topographical difficulties, tree preservation, aesthetics, etc. The Planning Commission must approve these variances. Field variances, for location only, may be granted upon agreement of the City Engineer and Planning Director, if special situations justify such variances. Special conditions may be required in order to grant the variances.
(Ordinance No. O-05-122 for all of SECTION 9)*

SECTION 10. STREET LIGHTING

Street lighting shall be required within all subdivisions within the corporate limits in accord with the standards and spacing prescribed by the Conway Corporation.

SECTION 11. SPECIAL EXCEPTIONS

- (1) The Commission, upon the request of the subdivider, may waive the requirements of specifications and design. Whenever the tract to be subdivided is of such unusual size and shape or is surrounded by such development for unusual conditions that the strict application of the requirements contained herein would result in a substantial hardship or inequity, such modification may be granted upon written request of the subdivider or his agent stating the reason or reasons for each modification. The approval of such modifications shall each require two-thirds vote of the full membership of the Commission.

- (2) The Commission, upon request of the subdivider, may permit special exceptions to be made to the improvements required by the rules and regulations when, in the opinion of the Commission, such exceptions are in keeping with the intent of these rules and regulations and when exceptions will provide for a development which will be in conformance with existing platting of the general neighborhood of the proposed subdivision. The subdivider may be required to furnish special information in order to aid the Commission in its determinations. This approval shall also require two-thirds vote of the full membership of the Commission.
- (3) Personal hardship and financial considerations are not deemed overriding factors for the granting of a variance, exception or waiver.
- (4) Conditions may be required in order to grant any variance, exception or waiver.

ARTICLE VI ADMINISTRATION AND ENFORCEMENT

SECTION 1. ADMINISTRATION

- (1) These rules and regulations shall be administered by the Planning Department staff. The Commission may, from time to time, recommend instructions and operating procedures to be followed in the administration of these Regulations to the end that the public may be better informed and that approval of plats be expedited.
- (2) In addition to the requirements established herein, all subdivision plats shall comply with all other applicable rules, regulations and laws including but not limited to the Growth Plan, the Conway Zoning Ordinance, building and housing codes, and any other regulations adopted by the City Council and any regulations or special requirements of the State Health Department, State Highway & Transportation Department, or other appropriate State agencies.

SECTION 2. ENFORCEMENT

It shall be the duty of the Building Inspector, City Engineer and the Planning Department to enforce these Regulations and to bring to the attention of the Mayor and the City Attorney any violation or lack of compliance herewith. In order to carry out the purposes of the Regulations and to assure the orderly development of land after the effective date of these Regulations, the following shall apply:

- (1) The Building Inspector shall not issue building permits for any structure on any lot in a subdivision for which the plat has not been approved and recorded in the manner prescribed herein, unless configuration of a parcel of property has been established by deed *prior to July 1, 1986 on a date no less than ten (10) years prior to the date of issuance of the building permit and the parcel meets all criteria for a lot in that zoning district*, or for which the configuration was established outside the planning jurisdiction. *A permit may also be issued if the applicant makes a reasonable effort to subdivide or replat the property and, for reasons beyond their control, they are unable to do so and if, after examination of relevant deeds to assure that the creation of this parcel did not result in the creation of any substandard parcels that would not have been approved in a subdivision or replat as lots in the zoning district in which they are located, the Planning Commission votes to allow the issuance of the permit with at least seven of the ten members voting in favor of such issuance. (Ordinance No. O-02-81)*
- (2) No electricity will be turned on until street and drainage are accepted by the City Engineer or until a cash bond, performance bond or letter of credit in compliance with the above sections has been tendered and accepted by the City as an alternative.
- (3) No plat of any tract of land within the planning area jurisdiction shall be accepted by the Circuit Clerk/Recorder for filing of record unless the plat has been approved by the Planning Commission.

- (4) No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision of land without compliance with the applicable provisions of this code or amendments thereto shall be permitted. No dedication of streets shall by itself be accepted by the City unless the usage of the adjoining affected land is shown. If the purpose of the opening of the street is to make the affected land available for sale as a redevelopment or subdivision, the street may not be accepted until accompanied by the required plat.
- (5) No public utility whether publicly or privately owned shall provide, extend or authorize the extension of service to any lot, building, structure, or location within the area under the jurisdiction of the City of Conway unless:
 - a. A lot, building or structure was established before the adoption of this Subdivision Regulation; or
 - b. A plat of the location has been approved by the Planning Commission and filed and recorded in the office of the Circuit Clerk/Recorder.
- (6) Notwithstanding the above provisions, nothing herein shall prevent a citizen of Conway, other than a subdivider in violation of this ordinance, from obtaining a building permit, final inspection, utility service or any other administrative service or remedy, upon the following conditions:
 - a. Where the lot for which the administrative permit or service sought lies within a subdivision which fails to conform with the requirements of this ordinance and such nonconformity was known to the Planning Commission Staff and no action to enforce the requirements of this ordinance was initiated by requesting an injunction in a court of competent jurisdiction within six (6) months of acquiring knowledge of the alleged violations or nonconformity; or,
 - b. Where the lot for which the administrative permit or services sought lies within a subdivision which was located in the territorial jurisdiction, but outside the city limits at the time of filing and which was filed with the Planning Department and reviewed by the Planning Commission, yet did not receive final plat approval within one (1) year after review by the Planning Commission and where all such actions and one (1) year waiting period after review took place prior to January 27, 1998.
- (7) The issuance of any building permit does not constitute acceptance of or intent by the city to accept any streets providing access to the lot on which the permit is issued.

SECTION 3. FEES

For each preliminary plat submitted at the time of filing, the subdivider shall pay to the Designated Agent the following filing fee:

Residential:

\$200 + Engineering Fee =< 10 lots

\$400 + Engineering Fee =< 25 lots

\$800 + Engineering Fee => 26 lots

Nonresidential and Mixed Use:

\$800 + Engineering Fee

Engineering Fee:

\$100 =< 2 lot subdivision/replat no new street drainage

\$250 => 3 lot subdivision/replat no new street drainage

\$500 + \$25 per lot subdivision / replat with new street drainage

For each Final Plat submitted, the fee shall be as follows:

Residential:

\$200 =< 10 lots

\$400 =< 25 lots

\$800 => 26 lots

Nonresidential and Mixed Use:

\$800

Any subsequent variances, waivers, extensions, etc. after preliminary or final plat approval that require the plat to be placed on the Planning Commission agenda shall pay a fee of one hundred dollars (\$100). (Ordinance O-07-121)

All recording fees shall be paid by the subdivider.

SECTION 4. PENALTY

Any person, firm or corporation that violates any provision of these Regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be fined not less than \$50.00 nor more than \$100.00 for each offense and each day that any violation of these rules and regulations are in effect shall constitute a separate offense and be subject to additional fines of between \$50.00 and \$100.00 per day. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these Regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premise, and these remedies shall be in addition to the penalties described above.

SECTION 5. ASSURANCES FOR COMPLETION/INSTALLATION

Upon final approval of construction plans for required improvements; the subdivider shall enter into an agreement with the City to install or ensure the completion of improvements as outlined below. The City will accept the subdivision and issue the Certificate of Final Plat Approval subject to the assurances of installation of improvements. One of the following

methods shall be used by the subdivider to guarantee that improvements required by these Regulations can or will be installed in accord with approved plans and specifications.

A. Certificate of Completion of Improvements

The subdivider may submit for approval to the City Engineer a statement certifying that all improvements and installations to the subdivision required for its approval under the terms of these rules and regulations have been made, added, or installed in accordance with these specifications.

Performance Bond

If the subdivider cannot certify that all improvements and installations in the subdivision have been completed, a performance bond may be posted to the City of Conway for completion of said improvements. Such performance bond shall specify the time for completion of these improvements and installations and shall be in an amount determined by the City Engineer and/or the Conway Corporation and agreed to be of sufficient amount to complete the improvements and installations for the subdivider in compliance with these rules and regulations. Such performance bond shall be issued by a surety company authorized to do business in the State of Arkansas and shall remain in force for a period of one year. The performance bond shall not be renewed without approval of the Planning Commission.

C. Cash Deposit

The subdivider may provide a cashier's check in the full amount as specified by the City's Engineer as sufficient to complete the improvements and installations required to comply with these rules and regulations. The check shall be cashed one year from date of approval on the final plat unless improvements are completed.

D. Irrevocable Letter of Credit

The subdivider may provide an irrevocable letter of credit to the City of Conway pursuant to the following conditions.

- (1) The letter of credit will be for an amount equal to the total estimated cost for improvements as determined by the City Engineer and may be reduced proportionately to the percent of work completed.
- (2) The letter of credit will be irrevocable and will list the City of Conway as the beneficiary.
- (3) The letter of credit will be in a form approved by the City Attorney.
- (4) The City shall be entitled to payment upon making demand for payment under the terms of the credit in the event the subdivider is in default. Further, the City shall be entitled to use all of the money secured by the letter of credit to assure the cost of completion of the work in the subdivision.
- (5) The subdivider will not be entitled to any excess monies until the work in the subdivision has been completed.
- (6) The terms of the letter of credit shall be limited to a time specified not to exceed one (1) year unless extension is granted by the Planning Commission.

- (7) The letter of credit extension shall provide all costs incurred by the project and related inflation costs.

When the Planning Department has received notification that one of the four heretofore described mechanisms assuring completion of the improvements have been executed, the Planning Commission may certify final plat approval. After and only after final plat approval, the plat then may be recorded by the Planning Department.

SECTION 6. ASSURANCE OF ONE YEAR'S MAINTENANCE

It is required that no less than one year's maintenance by the developer be assured prior to the filing of the plat. In order to achieve this aim, one of the following methods, dependent upon the method utilized for assurance of performance, must be followed:

A. Certificate of Completion of Improvements

If a certificate of completion of improvements is submitted prior to filing of the plat, a maintenance bond or letter of credit must also be submitted to the City prior to the filing of the plat. The maintenance bond or letter of credit must meet the following conditions:

1. It must be in an amount equal to ten dollars (\$10) per lineal foot of pavement or per lineal foot of drainage where no pavement parallels the drainage as well as the amount needed to provide the required as-built drawings.
2. It must be irrevocable and shall list the City of Conway as the beneficiary.
3. It must be in a form approved by the City Attorney.
4. It must run for no less than one year.
5. At the end of that year, if the improvements have not been adequately maintained, as determined by the City Engineer, the City shall be entitled to payment upon making demand for payment under the terms of the maintenance bond or letter of credit. Further, the City shall be entitled to use all of the money secured by the maintenance bond or letter of credit to assure the proper maintenance of the improvement.
6. The subdivider shall not be entitled to any excess monies until the maintenance of the improvements in the subdivision has been completed.

B. Performance Bond

If a performance bond is posted to assure completion of the improvements, that performance bond must also include provisions that automatically convert it to a maintenance bond upon completion of the improvements or on the date the performance bond lapses, whichever comes first. Such maintenance bond shall meet all the conditions in A. Certificate of Completion of Improvements listed in Section 6 above.

C. Cash Deposit

If a cashier's check is provided to assure completion of the improvements, that cashier's check shall be cashed upon completion of the improvements or one year from submittal, whichever comes first. Upon completion of the improvements, a sum in the amount of ten dollars (\$10) per lineal foot of pavement, or per lineal foot of drainage where no pavement parallels the drainage as well as the amount needed to provide the required as-built drawings, shall be held by the City of Conway for a period of one year to assure proper maintenance. Any amount above this sum shall be returned to the provider of the cashier's check. At the end of this year, this sum shall be used to perform any needed maintenance. Any amount not needed for proper maintenance, as determined by the City Engineer, will be returned to the provider of the cashier's check.

D. Irrevocable Letter of Credit

If an irrevocable performance letter of credit is posted to assure completion of the improvements, that letter of credit must also include provisions that automatically convert it to an irrevocable maintenance letter of credit upon completion of the improvements or on the date the performance letter of credit lapses, whichever comes first. Such maintenance letter of credit shall meet all the conditions in A. Certificate of Completion of Improvements listed in Section 6 above. ”

SECTION 7. INSPECTIONS

All projects shall be constructed according to the approved plans and specifications of the City Engineer and the Conway Corporation. The City Engineer shall be given twenty-four (24) hours notice prior to placement of storm drainage pipe, sub grade preparation, curb and gutter construction, crushed stone base course placement or street pavement. No work shall proceed until approval has been given by the City Engineer. Inspections shall be made in accordance with other applicable ordinances. The City Engineer or his designated agent shall then inspect those facilities, improvements and installations for conformance with plans and specifications. If such inspection reveals that there are any defects or deficiencies in such improvements as installed or that improvements differ from the final engineering plans and specifications accepted by the City and/or the Conway Corporation, the appropriate City agency shall notify the subdivider and his engineer in writing of such defects, deficiencies, and deviations. The subdivider shall, at his expense, correct such defects or deviations prior to expiration of any bonds or letters of credit. When such deficiencies have been corrected, the subdivider shall notify the City Engineer in writing that improvements are again ready and a final inspection shall be conducted. When the improvements required by these rules and regulations have been completed and installed, the responsible agent of the developer shall submit a letter to the City certifying improvements and installations have been made in accord with the approved construction plans, specifications, drawings, and standards established by the City and that such improvements are functioning properly.

SECTION 8. ACCEPTANCE OF IMPROVEMENTS

- (1) All public dedications of streets within the corporate limits shall be accepted by the City following execution of satisfactory guarantees for completion of improvements as prescribed herein. This acceptance shall be accomplished after final plat approval and after submission by the developer of the required maintenance bond.
- (2) The Final Plat can be recorded only after the plat has received a Certificate of Final Approval from the City. Submittal for recording purposes to the County Recorder shall be the planning staff's responsibility. Final Plat shall be duly recorded within two years of Final Plat approval or the plat shall be declared null and void. No building permits may be issued until proof of the recording of the approved Final Plat has been presented to the appropriate City department.

SECTION 9. VARIANCES

- (1) When, by the strict interpretation of these Regulations, a subdivider incurs undue restrictions on the physical property to be subdivided, a variance for such requirements may be granted by the Planning Commission. Under no circumstance should a variance be granted because of a personal hardship or for personal or emotional reasons. Variances shall not be granted based strictly on financial hardship. A variance is determined by the strict interpretation and enforcement of the rules and regulations upon a given piece of property to be subdivided.
- (2) No variance shall be granted except upon written petition by the subdivider when the preliminary plat is filed. Under exceptional circumstances the Planning Commission may grant variances at the time of final plat approval. The petition shall state fully the grounds for the variance and all the facts upon which the petition is made. In granting the variance the Commission shall prescribe any conditions that it deems necessary to or desirable in the public interest. In considering the petition for a variance, the Commission shall take into account the nature of the proposed use of land involved, existing uses of land in the area, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety and general welfare in the vicinity. No variance shall be granted unless the Commission finds all four of the following:
 - a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provision of this code would deprive the applicant of the reasonable use of this land.
 - b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 - c. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the area.

- d. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accord with the provision of this code.
- (3) The findings of the Commission together with the specific facts upon which findings are based shall be incorporated into the official minutes of the Commission meetings at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this code.

SECTION 10. VACATION OF PLATS

- (1) Any plat or any part of a plat may be vacated by the owner of the premises at any time before the sale of any lot therein by written instrument to which a copy of such plat shall be attached declaring the same to be vacated. Vacation of a plat shall be subject to the approval of the City Council if the plat is located within the corporate limits and subject to the Quorum Court if located outside the corporate limits, but within the planning jurisdiction of the Conway Planning Commission.
- (2) Such an instrument shall be approved by the Planning Commission with the same plat submission requirements, review processes and fees as are required for plats of subdivisions. Between the preliminary plat and the final plat, the City Council will be afforded the opportunity for review and may reject any such plat that destroys public rights in any of its public uses, improvements, streets or alleys.
- (3) Such an instrument shall be executed, acknowledged or approved and recorded or filed in like manner as plats of subdivisions. Being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys, and public grounds and all dedications laid out or described in such plat.
- (4) When lots have been sold, the plat may be vacated in a manner herein provided by all the owners of lots in such plat joining in the execution of such writings.

SECTION 11. AMENDMENTS

On any proposed amendments to these Regulations, the Planning Commission shall hold a public hearing for which fifteen (15) days advance notice in a local newspaper of general circulation has been published. Following such hearing the City Council may adopt the amendment or amendments as recommended by the Planning Commission or as determined by the majority vote of the City Council. *Provided, the City Council may waive the requirement for notice and public hearing contained herein upon a unanimous vote of the council. (Ordinance No. O-01-84)*

SECTION 12. IMPACT FEES

~~Impact fees to pay for city infrastructure needs created by development are required to be paid specific to uses anticipated for the property and the procedures established by the City Council. These impact fees and the manner in which they are collected and utilized may be established by the City Council and such fees may be adjusted by the City Council at intervals, as changing circumstances warrant.~~

A. Short Title and Applicability

- (1) *This section may be known and cited as Conway's "Impact Fee Ordinance," and is referred to herein as "this section."*
- (2) *The provisions of this section shall apply to all of the territory within the corporate limits of the City of Conway.*

B. Intent

- (1) *The intent of this section is to ensure that impact-generating development bears a proportionate share of the cost of improvements to the City's major roadway and park systems; to ensure that the proportionate share does not exceed the cost of providing major roadways and parks; and to ensure that funds collected from impact-generating development are actually used to construct major roadway or park system improvements that serve new development. It is further the intent of this section to use road and park impact fees to implement the City's Growth Plan and Master Street Plan.*
- (2) *It is not the intent of this section to collect any money from any impact-generating development in excess of the actual amount necessary to offset demands generated by that development for major roadway or park system improvements for which the fee was paid.*

C. Findings

The City Council of Conway, Arkansas, finds that:

- (1) *The protection of the health, safety, and general welfare of the citizens of the City requires that the roads and parks of the City be expanded and improved to meet the demands of new development.*
- (2) *The creation of an equitable impact fee system would enable the City to impose a more proportionate share of the costs of required improvements to the major roadway and park systems on those developments that create the need.*

- (3) *The impact fee study sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the City's major roadway and park systems.*
- (4) *The road and park impact fees described in this section are based on the impact fee study, and do not exceed the capital costs required to serve the development that will pay the fees.*
- (5) *The types of improvements to the major roadway and park systems considered in the impact fee study will benefit all impact-generating development, and it is therefore appropriate to treat the City as a single service area for purposes of calculating, collecting, and spending the impact fees for each type of facility.*
- (6) *There is both a rational nexus and a rough proportionality between the development impacts created by each type of new development covered by this section and the road and park impact fees that such development will be required to pay.*
- (7) *This section creates a system by which impact fees paid by impact-generating development will be used to expand the major roadway and park systems, so that the development that pays each fee will receive a corresponding benefit within a reasonable period of time after the fee is paid.*
- (8) *The impact fees are calculated in the impact fee study based on the existing level of service for road and park facilities. For roads, the level of service is defined as the system-wide ratio of capacity to demand in the major road system, and the fees are based on a one-to-one ratio, even though the existing system provides significantly more capacity than existing demand. For parks, the level of service is based on the ratio of the replacement value of existing parkland and improvements to the existing number of equivalent dwelling units.*

D. Definitions

For the purpose of interpreting this section, certain words used herein are defined as follows:

Applicant: The applicant for a building permit for which an impact fee is due pursuant to the provisions of this section.

Equivalent Dwelling Units (EDUs): Represents the impact of a typical single-family dwelling on the park system. A typical single-family unit represents, on average, one EDU. Other types of units each represent a fraction of an EDU, based on their relative average household sizes.

Growth Plan: The Comprehensive Development Plan for the City which has been officially adopted by the City Council to provide long-range development policies for the

area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, zoning, and traffic circulation.

Impact Fee Administrator: The City of Conway employee primarily responsible for administering the provisions of this section, or his or her designee.

Impact Fees: The road impact fee and the park impact fee.

Impact Fee Study: The Road and Park Impact Fee Study prepared for the City of Conway by Duncan Associates in April 2003, or a subsequent similar report.

Impact-Generating Development: Any land development designed or intended to permit a use of the land that will increase the number of service units.

Impact-Generating Development, Commencement of: Occurs upon the approval of an application for rezoning, subdivision, building permit, certificate of occupancy or similar application for new construction, whichever occurs first after the effective date of this section.

Major Roadway System: Arterials and collectors, including state roads but excluding Interstate 40, located within the City's incorporated area and identified on the City's Master Street Plan.

Major Roadway System Improvements: Improvements that expand the capacity of the major roadway system, including but not limited to the construction of new roads, the widening of existing roads, intersection improvements, and installation of traffic signals. Acquisition of land or right-of-way shall not be considered a system improvement. Lane reconstruction, sidewalk construction, medians, landscaping, street lighting and other ancillary components of a capacity-expanding road improvement shall not be considered system improvements when not an integral part of a capacity-expanding improvement.

Park System: Park land, facilities and improvements to City-owned or maintained land used for active recreational purposes and associated recreational facilities, and recreational facilities and improvements made or installed by the City on non-City property and available for public use.

Park System Improvements: Capital improvements that result in a net expansion of the park land or recreational facilities that are available to the public. Remodeling, replacement or maintenance of existing equipment or facilities does not constitute a park system improvement.

Person: An individual, corporation, governmental agency or body, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.

Service Units: Vehicle-Miles of Travel and Equivalent Dwelling Units.

Vehicle-Miles of Capacity (VMC): The product of the maximum number of vehicles that can be accommodated on a roadway at Level of Service "D" during a week day and the length of the roadway in miles.

Vehicle-Miles of Travel (VMT): The product of the number of vehicles traveling during a weekday and the distance in miles that those vehicles travel.

E. Time of Fee Obligation and Payment

- (1) On and after the effective date of this section, any person who causes the commencement of impact-generating development shall be obligated at that time to pay a road and park impact fee, pursuant to the terms of this section. The obligation to pay the impact fees shall run with the land.*
- (2) The fee shall be determined and paid prior to the final inspection and issuance of the certificate of occupancy. The applicant for the building permit shall be responsible for paying the fee.*

F. Exemptions

The following shall be exempt from the terms of this section. An exemption must be claimed at the time of application for a building permit.

- (1) Alterations of an existing dwelling unit where no additional dwelling units are created.*
- (2) ~~Replacement of a destroyed, partially destroyed or moved residential building or structure with a new building or structure of the same use, and with the same number of dwelling units.~~ Replacement of a destroyed or partially-destroyed residential building or structure with a new building or structure of the same use, and with the same number of dwelling units. (O-04-31)*
- (2A) A residential building that is moved from within the City of Conway to another site within the City of Conway and that continues to be utilized for residential use.*
- (3) ~~Replacement of destroyed, partially destroyed or moved nonresidential building or structure with a new building or structure of the same gross floor area and use.~~ Replacement of destroyed or partially-destroyed nonresidential building or structure with a new building or structure of the same gross floor area and use. (O-04-31)*
- (3A) A nonresidential building that is moved from within the City of Conway to another site within the City of Conway providing the use remains the same. Any change in use that increases potential traffic generation and/or increase in floor area of this moved nonresidential building are subject to impact fees. (O-04-31)*

- (4) *Any development for which a completed application for a building permit was submitted prior to the effective date of this section or for which a site plan review has been approved, provided that the construction proceeds according to the provisions of the permit or review and the permit or review does not expire prior to the completion of the construction.*
- (5) *The impact fee administrator shall determine the validity of any claim for exemption pursuant to the criteria set forth in this section.*
- (6) *In order to promote the economic development of the City or the public health, safety, and general welfare of its residents, the City Council may agree to pay some or all of the impact fees imposed on a proposed development or redevelopment from other funds of the City that are not restricted to other uses. Any such decision to pay impact fees on behalf of an applicant shall be at the discretion of the City Council and shall be made pursuant to goals and objectives articulated by the City Council.*
- (7) *Impact fees shall not be collected in the area which legal description is as follows:*

A tract of land that includes all of Sections 18 and 20, T-5-N, R-13-W, and parts of Section 7, 8, 17, 19, 21 and 30, T-5-N, R-13-W and parts of Sections 12 and 13, T-5-N, R-14-W the boundary of said tract is described as follows:

Beginning at the Northwest corner of said Section 18, T-5-N, R-13-W; thence South along the West line of said Section 18 to the south line of Con-Ark Subdivision; thence westerly along the south line and the extension of the south line of Con-Ark Subdivision to the centerline of South German Lane; thence southerly along the centerline of South German Lane to the centerline of Dave Ward Drive; thence easterly along the centerline of Dave Ward Drive to the West line of said Section 18; thence south along the West line of said Section 18 to the Northwest corner of said Section 19; thence South along the West line of said Section 19 to the centerline of Stanley Russ Road; thence easterly along the centerline of Stanley Russ Road to the East line of the SW 1/4, SW 1/4 of said Section 19; thence South along the said East line SW 1/4, SW 1/4, Section 19 to the Northeast corner NW 1/4, NW 1/4 of said Section 30; thence South along the East line of said NW 1/4, NW 1/4, Section 30 to the Southeast corner of said NW 1/4, NW 1/4 Section 30; thence West 466.15 feet along the South line of said NW 1/4, NW 1/4 Section 30; then South 2216.34 feet to a point 461.63 feet west of the west line the NE1/4, SW1/4 of said Section 30; thence easterly to a point on the West line of the NE1/4, SE1/4 of said Section 30, said point being 430 feet north of the southwest corner of said NE1/4, SE1/4 Section 30; thence South, 430 feet along said West line NE1/4, SE1/4 Section 30 to the Southwest corner of said NE1/4, SE1/4, Section 30; thence east along said South line NE1/4, SE1/4 Section 30 to the East line of said Section 30; thence North along said East line Section 30 to the Southwest corner of said Section 20; then easterly along the South line of said Section 20 to the Southwest corner of said Section 21; thence

North along the West line of said Section 21 to the ordinary high water line of Lake Conway; thence northeasterly along the said ordinary high water line of Lake Conway to the centerline of Amity Road; thence southeasterly along the centerline of Amity Road to the East line NW1/4, SW1/4 Section 21; thence North along said East line NW1/4, SW1/4 Section 21 and the W1/2, NW1/4 Section 21 to the North line of said Section 21; thence West along the North line of said Section 21 and Section 20 to the East line of the W1/2, SE1/4 of said Section 17; thence North along said East line W1/2, SE1/4 Section 17 to the North line of the said W1/2, SE1/4 Section 17; thence West along said North line W1/2, SE1/4 Section 17 to the East line of the NW1/4 of said Section 17; thence North along said East line NW1/4 Section 17 to the North line of said Section 17; thence west along said North line Section 17 to the centerline of Interstate 40; thence northerly along said centerline of Interstate 40 to a point on the North line SW1/4 of said Section 8; thence westerly along the North line of said SW1/4 of said Section 8 and North line S1/2 of said Section 7 to the northerly extension of the East line of the West 200 feet of Lot 3 Allinder Addition; thence South along said East line of West 200 feet of Lot 3 Allinder Addition to the South line of Lot 3 Allinder Addition; thence West along the South line of Lot 3 and Lot 4 Allinder Addition and westerly extension of said South line to the centerline of Harkrider Avenue; thence South along the centerline at Harkrider Avenue to the easterly extension of the centerline of McKay Avenue; thence West along the extended centerline of McKay Avenue and centerline of McKay Avenue to the centerline of Griffith Street; thence South along the centerline of Griffith Street to the South line of said Section 12, T-5-N, R-14-W; thence East along the South line of said Section 12 to the Northwest corner of said Section 18 and the Point of Beginning. (Ordinance O-04-106)

nor in an area with the boundaries described as follows: Beginning at the corner of the intersection of Harkrider Street (U.S. Highway 65B) and Garland Street proceed west along Garland Street to Markham Street, south to Smith Street, west to Spencer Street, north to Mill Street, west along Mill Street to the railroad, southeasterly along the railroad to Prince Street extended, west to Locust Street, south and southeasterly along Locust Street to College Avenue, northeasterly along College Avenue to the railroad, southeasterly along the railroad to Bruce Street, east to Harkrider Street and northwesterly and north along Harkrider Street to the point of beginning. No impact fee funds collected shall be expected on capital improvements located in the exempt areas. (Ordinance O-04-115)

(8) No waivers shall be granted for any required impact fees.

G. Fee Determination

(1) Any person who applies for a building permit for an impact-generating development, except those exempted or preparing an independent fee calculation study, shall pay a road and park impact fee in accordance with the following fee schedule prior to the final inspection and issuance of a certificate of occupancy. If any credit is due pursuant to subsection K, the amount of such credit shall be deducted from the amount of the fee to be paid.

Land Use Type	Unit	Roads	Parks	Total
Single-Family (up to 1,000 sq. ft.)	Dwelling	\$787	\$469	\$1,256
Single-Family (1,001 to 1,250 sq. ft.)	Dwelling	\$870	\$531	\$1,401
Single-Family (1,251 to 1,500 sq. ft.)	Dwelling	\$937	\$582	\$1,519
Single-Family (1,501 to 1,750 sq. ft.)	Dwelling	\$992	\$623	\$1,615
Single-Family (1,751 to 2,000 sq. ft.)	Dwelling	\$1,039	\$659	\$1,698
Single-Family (2,001 to 2,250 sq. ft.)	Dwelling	\$1,080	\$690	\$1,770
Single-Family (2,251 to 2,500 sq. ft.)	Dwelling	\$1,117	\$718	\$1,835
Single-Family (2,501 to 3,000 sq. ft.)	Dwelling	\$1,165	\$755	\$1,920
Single-Family (3,001 to 3,500 sq. ft.)	Dwelling	\$1,221	\$797	\$2,018
Single-Family (3,501 to 4,000 sq. ft.)	Dwelling	\$1,268	\$832	\$2,100
Single-Family (4,001 to 4,500 sq. ft.)	Dwelling	\$1,309	\$864	\$2,173
Single-Family (4,501 to 5,000 sq. ft.)	Dwelling	\$1,346	\$891	\$2,237
Single-Family (more than 5,000 sq. ft.)	Dwelling	\$1,379	\$916	\$2,295
Multi-Family	Dwelling	\$771	\$447	\$1,218
Mobile Home/RV Park	Pad	\$558	\$556	\$1,114
Hotel/Motel	Room	\$1,048	na	\$1,048
Retail/Commercial				
Shopping Center/General Retail	1000 sq. ft.	\$1,915	na	\$1,915
Auto Sales/Service	1000 sq. ft.	\$1,779	na	\$1,779
Bank	1000 sq. ft.	\$1,496	na	\$1,496
Convenience Store w/Gas Sales	1000 sq. ft.	\$4,181	na	\$4,181
Golf Course	Hole	\$2,278	na	\$2,278
Health Club	1000 sq. ft.	\$1,603	na	\$1,603
Movie Theater	1000 sq. ft.	\$2,342 ¹	na	\$2,342 ¹
Restaurant, Sit-Down	1000 sq. ft.	\$2,421	na	\$2,421
Restaurant, Fast Food	1000 sq. ft.	\$5,270	na	\$5,270
Office/Institutional				
Office, General	1000 sq. ft.	\$1,280	na	\$1,280
Office, Medical²	1000 sq. ft.	\$3,839	na	\$3,839
Hospital	1000 sq. ft.	\$1,782	na	\$1,782
Nursing Home	1000 sq. ft.	\$499	na	\$499
Church	1000 sq. ft.	\$737	na	\$737
Day Care Center	1000 sq. ft.	\$1,536	na	\$1,536
Elementary/Sec. School	1000 sq. ft.	\$241	na	\$241
Industrial				
Industrial Park	1000 sq. ft.	\$808	na	\$808
Warehouse	1000 sq. ft.	\$576	na	\$576
Mini-Warehouse	1000 sq. ft.	\$200	na	\$200
Vehicle Fueling Station (Not at the time of construction of a convenience store) (Ord. O-03-162)	Fueling Station (each point of fuel transaction)	\$952	na	\$952

¹Amended by Ordinance O-09-114 from \$4,976 to \$2,342.

²Amended by Ordinance O-10-116

- (2) *If the type of impact-generating development for which a building permit is requested is not specified on the above schedule, the impact fee administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. In the case of road impact fees, the impact fee administrator shall be guided in the selection of a comparable type of land use by trip generation rates contained in the most current edition of the report titled Trip Generation, prepared by the Institute of Transportation Engineers (ITE), or articles or reports appearing in the ITE Journal.*
- (3) *In many instances, a particular structure may include auxiliary uses associated with the primary land use. For example, in addition to the actual production of goods, manufacturing facilities usually also have office, warehouse, research, and other associated functions. The impact fees generally are assessed based on the primary land use. If the applicant can document that a secondary land use accounts for over 25% of the gross floor area of the structure, and that the secondary use is not assumed in the trip generation or other impact data for the primary use, then the impact fees may be assessed based on the disaggregated square footage of the primary and secondary land use. Even when located within shopping centers, fast-food restaurants and service stations (convenience stores with gasoline sales) shall be considered primary uses.*
- (4) *If the type of impact-generating development for which a building permit is requested is for a change of land use type or for the expansion, redevelopment, or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type.*
- (5) *In the event that the proposed change of land use type, redevelopment, or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, there shall be no refund of impact fees previously paid.*

H. Independent Fee Calculation

- (1) *The impact fee may be computed by the use of an independent fee calculation study at the election of the applicant, or upon the request of the impact fee administrator, for any proposed land development activity interpreted as not one of those types listed on the fee schedule or as one that is not comparable to any land use on the fee schedule, and for any proposed land development activity for which the impact fee administrator concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule.*

- (2) *The preparation of the independent fee calculation study shall be the sole responsibility and cost of the party electing to utilize the study.*
- (3) *Any person who requests to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such study.*
- (4) *The independent fee calculation study shall be based on the same formulas, level of service standards and unit costs for facilities used in the impact fee study, and shall document the methodologies and assumptions used.*
- (5) *The road impact fees shall be calculated according to the following formula.*

FEE = PROJECT VMT x NET COST/VMT

Where:

PROJECT VMT = TRIPS x % NEW x LENGTH ÷ 2

TRIPS = Daily trip ends generated by the development during the work week

% NEW = Percent of trips that are primary, as opposed to passby or diverted-link trips

LENGTH = Average length of a trip on major road system

÷ 2 = Avoids double-counting trips for origin and destination

NET COST/VMT = COST/VMT - CREDIT/VMT

COST/VMT = COST/VMC x VMC/VMT

COST/VMC = Average cost to create a new VMC based on historical or planned projects

VMC/VMT = The system-wide ratio of capacity to demand in the major roadway system

CREDIT/VMT = Credit per VMT, based on revenues to be generated by new development

(6) *The park impact fees shall be calculated according to the following formula.*

$FEE = PROJECT\ EDUs \times NET\ COST/EDU$ <p>Where:</p> $PROJECT\ EDUs = UNITS \times EDUs/UNIT$ $UNITS = \text{Number of dwelling units of a given housing type}$ $EDUs/UNIT = \text{Number of EDUs represented by one dwelling unit of a given housing type}$ $NET\ COST/EDU = COST/EDU - CREDIT/EDU$ $COST/EDU = \text{Ratio of total replacement cost of existing park land and improvements to existing EDUs}$ $CREDIT/EDU = \text{Credit per EDU, based on revenues to be generated by new development}$

(7) *An independent fee calculation study submitted for the purpose of calculating a road impact fee may be based on data, information or assumptions from independent sources, provided that:*

- a. *The independent source is an accepted standard source of transportation engineering or planning data; or*
- b. *The independent source is a local study on trip characteristics carried out by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering.*

I. Use of Fees

(1) *An impact fee fund that is distinct from the general fund of the City is hereby created, and the impact fees received will be deposited in the following interest-bearing accounts of the impact fee fund:*

- a. *Road Impact Fee Account; and*
- b. *Park Impact Fee Account.*

(2) *The road impact fee account shall contain only those road impact fees collected pursuant to this section plus any interest which may accrue from time to time on such amounts.*

- (3) *The park impact fee account shall contain only those park impact fees collected pursuant to this section plus any interest which may accrue from time to time on such amounts.*
- (4) *Monies in each impact fee account shall be considered to be spent in the order collected, on a first-in/first-out basis.*
- (5) *The monies in each impact fee account shall be used only for the following:*
 - a. *To acquire or construct system improvements of the type reflected in the title of the account;*
 - b. *To pay debt service on any portion of any current or future general obligation bond or revenue bond issued after the effective date of this section and used to finance major roadway or park system improvements of the type reflected in the title of the account;*
 - c. *As described in subsection J, Refunds;*
 - d. *As described in subsection K, Credits; or*
 - e. *As described in subsection L(4) relating to the costs of administering this section.*
- (6) *The monies in each impact fee account shall not be used for the following:*
 - a. *Rehabilitation, reconstruction, replacement or maintenance of existing facilities except to the extent that the projects increase the capacity to serve new development;*
 - b. *Ongoing operational costs; or*
 - c. *Debt service for any past general obligation bond or revenue bond issued prior to the effective date of this section, or any portion of any current or future bond issued after the effective date of this section and not used to finance major roadway or park system improvements of the type reflected in the title of the account.*

J. Refunds

- (1) *Any monies in the impact fee fund that have not been spent within seven (7) years after the date on which such fee was paid shall be returned to the current owners with earned interest since the date of payment.*
 - a. *Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property within thirty (30) days of the date the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.*
 - b. *The refund shall be made on a pro rata basis, and shall be paid in full within ninety (90) days of the date certain upon which the refund becomes due.*
- (2) *If an applicant has paid an impact fee required by this section and the building permit later expires without the possibility of further extension, and the development activity for which the impact fee was imposed did not occur and no impact has resulted, then the applicant who paid such fee shall be entitled to a refund of the fee paid, without interest. In order to be eligible to receive such refund, the applicant who paid such fee shall be required to submit an application for such refund within thirty (30) days after the expiration of the permit or extension for which the fee was paid.*
- (3) *At the time of payment of any impact fee under this section, the impact fee administrator shall provide the applicant paying such fee with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any collection of any impact fee under this section.*

K. Credits

- (1) *Credit against the road and park impact fees shall be provided for contributions toward the cost of major roadway and park system improvements.*
 - a. *Approved credits for the major roadway and park system improvements shall generally become effective when the improvements have been completed and have been accepted by the City Council under the provisions of a prior agreement. All impact fee credits shall have a reading at one regularly scheduled City Council meeting prior to its passage and approval at any subsequent regularly scheduled City Council meeting. (Ordinance O-04-38)*

- b. *No credit will be applied to the road impact fee for dedication of right-of-way, since no right-of-way costs were included in the calculation of the road impact fee. No credit will be applied to the road impact fee for improvements to the major roadway system that primarily serve traffic generated by the applicant's project, such as acceleration/deceleration lanes into and out of the project.*
 - c. *Credit for park land dedication shall be based on the value of the land to be dedicated. The value of any land required to be dedicated shall be based upon the "fair market value" of the land at the time of filing the final plat. The value shall be determined by a certified appraiser who is selected and paid for by the applicant, and who uses generally accepted appraisal techniques. If the City disagrees with the appraised value, the City may engage another appraiser at the City's expense, and the value shall be an amount equal to the average of the two appraisals. If either party rejects the average of the two appraisals, a third appraisal shall be obtained, with the cost of such third appraisal being borne by the party rejecting the average. The third appraiser shall be selected by the first two appraisers, and the third appraisal shall be binding on both parties. Approved credits for dedicated park land shall become effective when the land has been conveyed to the City and has been accepted by the City.*
- (2) *In order to receive credit for major roadway and park system improvements, the developer shall submit complete engineering drawings, specifications, and construction cost estimates to the impact fee administrator. The impact fee administrator shall determine the amount of credit due based on the information submitted, or where such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the impact fee administrator.*
- (3) *To qualify for an impact fee credit, the developer must enter into an agreement with the City as approved by the City Council. The developer agreement shall specify the following:*
- a. *The amount of the credit;*

- b. *How the credit will be allocated within the development; and*
 - c. *Whether and how the developer will be reimbursed for any excess credit beyond the impact fees that would otherwise be due from the development.*
- (4) *Unless otherwise specified in a developer agreement, in the event that the impact-generating development for which credits have been issued is sold to different owners, the credits usable by each new owner shall be calculated in terms of a percentage of the impact fees that would otherwise be due from the entire development. If the total amount of development is not known, the maximum potential development under existing development regulations shall be assumed. This percentage reduction will be applied to all impact fees assessed within the development until the total amount of the credits is exhausted or the development is completed, whichever occurs first.*
- (5) *The right to claim credits shall run with the land and may be claimed only by owners of property within the development for which the land was dedicated or the improvement was made. Credits issued for a particular development shall not be transferable to another development.*
- (6) *Credits provided pursuant to this section shall be valid from the effective date of such credits until ten (10) years after such date or until the last date of construction within the development or project for which the credits were issued, whichever occurs first.*
- (7) *Applicants may also obtain credits for major roadway and park system improvements completed prior to the effective date of this section, and may use such credits to reduce the impact fees due after the effective date of this section for major roadway and park system improvements within the same impact-generating development for which the credits were issued. Application for such credits must be made, on forms provided by the City, within two (2) years after the effective date of this section. In the event that the impact-generating development for which the credits are claimed is partially completed, the amount of the credits shall be reduced by the amount of the impact fees for major roadway and park system improvements that would have been charged for the completed portion of the development had this section been in effect. In the event that the impact-generating development project has been fully completed, no credits shall be issued. (Ordinance O-04-38)*

L. Miscellaneous Provisions

- (1) *Nothing in this section shall restrict the City from requiring the construction of reasonable project improvements required to serve the development project, whether or not such improvement are of a type for which credits are available under subsection K, Credits.*
- (2) *The impact fee administrator shall maintain accurate records of the impact fees paid, including the name of the person paying such fees, the project for which the fees were paid, the date of payment of each fee, the amounts received in payment for each fee, and any other matters that the City deems appropriate or necessary to the accurate accounting of such fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice.*
- (3) *Upon request by the City Council, the impact fee administrator shall present to the City Council a proposed capital improvements program that shall assign monies from each impact fee fund to specific projects and related expenses for eligible improvements of the type for which the fees in that fund were paid. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program and not expended pursuant to subsection J, Refunds, or subsection K, Credits, or subsection L(4) below shall be retained in the same impact fee fund until the next fiscal year.*
- (4) *The City shall be entitled to retain not more than two percent (2%) of each impact fee collected as payment for the expenses of collecting the fee and administering this section. In the case of refunds of impact fees under subsection J, Refunds, the City shall be entitled to retain not more than an additional two percent (2%) of the impact fee payment made by the applicant as payment for the expenses of processing the reimbursement request.*
- (5) *If a impact fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated.*
 - a. *Any amounts overpaid by an applicant shall be refunded by the impact fee administrator to the applicant within thirty (30) days after the acceptance of the recalculated amount, with interest since the date of such overpayment.*
 - b. *Any amounts underpaid by the applicant shall be paid to the impact fee administrator within thirty (30) days after the acceptance of the recalculated amount, with interest since the date of such underpayment.*

- c. *In the case of an underpayment to the impact fee administrator, the City shall not issue any additional permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the City are not paid within such thirty (30) day period, the City may also rescind any permits issued in reliance on the previous payment of such impact fee.*
- (6) *The impact fees and the administrative procedures established by this section shall be reviewed at least once every three (3) years.*

M. Appeals

Any determination made by the impact fee administrator charged with the administration of any part of this section may be appealed to the City Council within thirty (30) days from the date of the decision to be appealed.

N. Violation

Furnishing false information on any matter relating to the administration of this section, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this section.

O. Effective Date

The provisions of this section shall take effect September 1, 2003, and from that date, the provisions herein shall be controlling within the limits of said city. (Ordinance No. O-03-98)

ARTICLE VII LOT SPLITS & MINOR SUBDIVISIONS

SECTION 1. DEFINITION

This section of the land Subdivision Regulations is designed to expedite the platting and recording of minor subdivisions and lot splits but shall be permissive and not mandatory. By definition, a lot split is a subdivision which involves the dividing or redividing of a land area of one or more lots within not more than one (1) block of a recorded subdivision and which does not involve the dedicating, vacating, widening, narrowing, or change of alignment of any thoroughfare, street or alley or the vacating, narrowing or change of alignment of any easement and does not require the construction of any public streets or utilities. For the purpose of effectuating this section of the code, a subdivision is considered a minor "subdivision" when it contains four (4) or fewer lots and no streets, utilities, or other improvements are required to be made. The lot size and building setback requirements stated above in Article IV, Section 5 apply to lot splits and minor subdivisions.

SECTION 2. PROCEDURE

- (1) When a lot split or minor subdivision as defined above is involved, a subdivider shall prepare and submit to the Planning Director an application for approval of lot split or minor subdivision.
- (2) The application shall not be accepted until the subdivider has paid the application fee set forth in Article VI, Section 3.
- (3) The subdivider shall prepare the application as a Final Plat to include all information required in Article II, Sections 3 and 4 except none of the preliminary certificates are required and the Certificate of Final Plat Approval will be signed by the Conway Planning Director. ~~Three (3)~~ Five (5) copies shall be submitted for initial review, and the original tracing or reproducible mylar and ~~nine (9)~~ twelve (12) copies shall be submitted for filing. All other requirements shall be the same as those in Article II, Section 4. (*Ordinance No. O-02-79*)
- (4) The Planning Director is hereby authorized to review the application for approval of a lot split or minor subdivision and provide approval. The Planning Director shall inform the full Planning Commission at the next regular meeting that approval has been granted to the lot split or minor subdivision.

- (5) Approval or disapproval of lot splits and minor subdivisions shall be given based on the following guidelines:
- a. No new street or alley is required.
 - b. No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - c. Such action will not result in any significant increases in public service requirements, nor will it interfere with maintaining existing public service levels.
 - d. There is adequate street right-of-way as required by this chapter and the master street plan *or the additional right-of-way to fulfill those requirements is dedicated on this plat. (Ordinance No. O-01-36)*
 - e. All easement requirements have been satisfied.
 - f. All lots created by such split shall have direct access to a public street according to the provisions of this chapter.
 - g. No substandard lots or parcels shall be created, except the Planning Director may approve lots which are less than 100 feet in depth at their shallowest point and/or have side lot lines that are not perpendicular or radial to front lot lines and/or double frontage lots and/or may approve existing buildings which are less than the required yard setback from existing lot lines when, in his professional opinion, any such lots are buildable and platting such lots will create no problems for the owner of such lots or surrounding property owners. For double frontage lots, the Planning Director may require that access be denied such lots from one frontage and may require a ten (10) foot planting reservation across such frontage.

ARTICLE VIII LEGAL STATUS

SECTION 1. CONFLICTING REGULATIONS

All ordinances or parts of ordinances inconsistent or in conflict with this Subdivision Regulation for the City of Conway are hereby repealed and amended to comply herewith by virtue of the ordinance adopting this Regulation.

SECTION 2. ADOPTION

These rules and regulations shall be in full force and effect upon the date established by the adopting ordinance..

SECTION 3. SEVERABILITY

Any clause or provision of this code declared invalid or unconstitutional by the court shall not effect the validity of the Regulation as a whole or any other part of the code thereof.

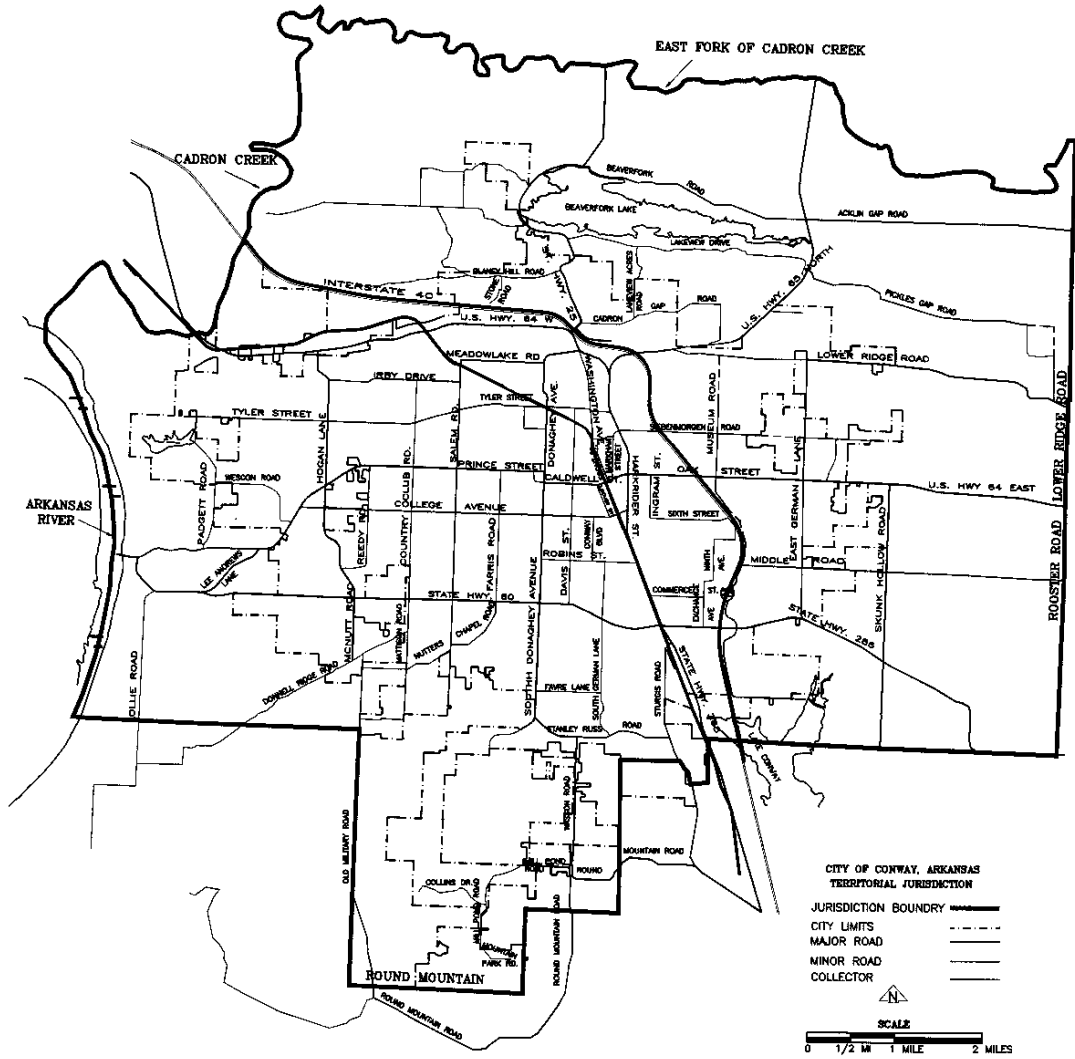
SECTION 4. EFFECTIVE DATE

This code shall take effect upon the date established in adoption by ordinance of the City Council of the City of Conway, Arkansas. These Regulations shall be printed in booklet form and made available to the general public. No fewer than three (3) copies of the code shall remain on file in the office of the Planning Department for examination by the public. These Regulations shall be published as required by law by title only through the City's adoption of the code entitled "Subdivision Regulations".

SECTION 5. TERRITORIAL JURISDICTION MAP

Included next as part of this code is the map titled "Territorial Jurisdiction Map" showing the territorial jurisdiction for the City of Conway and its corporate limits at the time of creation of the map.

CONWAY TERRITORIAL JURISDICTION



ARTICLE IX LOT MERGERS

SECTION 1. PURPOSE

The purpose of this Article is to establish procedures other than formal replatting to allow for the merger of lots.

SECTION 2. DEFINITION

For the purposes of Article IX, lot mergers shall be defined as the joining together of any number of platted lots to form a single lot. If the procedures established in Article IX are followed and the lots have been configured and recorded in such a way as to allow the merger, they may be merged without following the replatting procedures established elsewhere in this Subdivision Ordinance. Upon such merger, any dividing lot lines existing prior to the merger that have been removed by the merger shall be considered nonexistent and shall not be considered in any of the requirements of the Conway Subdivision Ordinance, the Conway Zoning Ordinance or any building codes adopted by the City of Conway. Following such a merger, no sale of any portion of the new lot, other than the entire lot, shall take place without the completion, approval by the Planning Commission or Planning Director and filing with the county of a replat to divide the merged lot into two or more legal lots.

Lot mergers under Article IX shall not be used to remove or dedicate any easements or any rights-of-way. If the removal or dedication of any easements or rights-of-way are to take place, they must be accomplished through procedures delineated elsewhere in this Ordinance or through other legal avenues, such as the removal of an easement by passage of an ordinance by the City Council.

SECTION 3. PROCEDURES

- (1) When a lot merger as defined above is involved, an applicant shall prepare and submit to the Planning Director an application for approval of a lot merger.*
- (2) The application shall not be accepted until the applicant has paid a fee of \$200.00. All recording fees shall be paid by the subdivider. (Ordinance O-07-121)*

- (3) *The applicant shall prepare the application to include all the information required in SECTION 4. APPLICATION REQUIREMENTS as shown below.*
- (4) *The Planning Director is hereby authorized to review the application for a lot merger and provide approval or disapproval. Upon approval, the lot merger shall be filed with Faulkner County. The Planning Director shall inform the full Planning Commission at the next regular meeting if approval is granted for the lot merger.*
- (5) *Approval or disapproval of the lot merger shall be given based on the following guidelines:*
- a. No new street or alley is required.*
 - b. No dedication or vacation of streets, alleys, setback lines, access control or easements is required or proposed.*
 - c. Such action will not result in any significant increases in public service requirements, nor will it interfere with maintaining existing public service levels.*
 - d. There is adequate street right-of-way as required by this Ordinance and the Master Street Plan.*
 - e. All lots created by such lot merger shall have direct access to a public street according to the provisions of this Ordinance.*
 - f. No substandard lots shall be created, except the Planning Director may approve lots which are less than one hundred (100) feet in depth at their shallowest point and/or have side lot lines that are not perpendicular or radial to front lot lines and/or double frontage lots and/or may approve existing buildings that are less than the required yard setback from existing lot lines when, in his professional opinion, any such lots are buildable and platting such will create no problems for the owner of such lots or surrounding property owners.*

SECTION 4. APPLICATION REQUIREMENTS

The submitted drawing for a lot merger must be drawn in black ink on mylar film, tracing paper or other comparable transparent material and on sheets whose dimensions are either 8 ½" x 14", 18" x 24" or 24" x 36". The scale shall be either 1" = 100' or 1" = 50'. The original tracing or reproducible mylar and twelve (12) prints shall be submitted to the Planning Department. The drawing shall be neat, legible, and suitable for filing for record in the office of the Circuit Clerk-Recorder. Patching and pasting of paper or other attachments to the drawing is not acceptable. Allowance shall be made for a ½" border at the top, bottom, and right edges of the sheets and a 1 ½" border at the left edge of the tracing pages.

The drawing shall show the following information:

- (1) Name of the owner and developer.*
- (2) Name of the lot merger.*
- (3) The identifying numbers of lots and blocks in accord with a systematic numbering system.*
- (4) North arrow, scale and date.*
- (5) A legal description of the tract.*
- (6) If any portion of the property is subject to flooding, the limit of such flooding shall be noted and the appropriate 100 year floodplain and/or floodway shall be identified.*
- (7) A minimum building setback line not less than twenty-five (25) feet from any floodway boundary.*
- (8) Location of building setback lines (both front and side streets and rear streets if applicable) and other features shall be shown with dimensions.*
- (9) The purpose of the existing easements and their location shall be shown on the drawing.*

(10) *Dimensions and bearings of all remaining lot lines as they appear on the original, filed plat. The lot lines that are being removed must be shown as dashed lines, but no dimensions or bearings are required to be shown for these lines.*

(11) *Addresses as assigned.*

(12) *Each drawing shall have the following certifications printed thereon:*

a. *Certificate of Owner*

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have merged the platted lots identified herein into the lot(s) shown on this drawing and do continue all dedications shown on the original subdivision plat or any subsequent replats of these lots and that the sole purpose of this filing is to remove the internal lot lines separating these lots.

Date of Execution: _____

Signed: _____

Name and Address

Source of Title: D.R. _____

Page _____

b. *Certificate of Recording*

This document No. _____ *filed for record* _____ *day, 20* ___ *in Plat Book*

No. _____ *Page* _____.

Signed: _____

Circuit Clerk

c. Certificate of Merger Approval

Pursuant to the Conway Subdivision Regulations and all other conditions and approval having been completed, this document is hereby accepted. This merger is hereby executed under the authority of the said rules and regulations.

Date of Execution: _____

Signed: _____
Conway, Arkansas Planning Director

d. Certificate of Surveying Accuracy

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Date of Execution: _____

Signed _____
Registered Land Surveyor
No. _____
State of Arkansas

A letter signed by the owner or the owner's legal agent and requesting the review and approval of the proposed merger must accompany the submitted drawing.

SECTION 5: RECORDING

Upon approval of the lot merger by the Planning Director, the Planning Department shall have the drawing recorded in the office of the County Recorder. The applicant shall pay all fees in connection with the recording of the drawing.

Upon recording the drawing, the designated City official shall retain the original tracing and one (1) copy for the Planning Commission's files, one (1) copy shall be forwarded to the Tax Assessor, and one (1) copy shall be returned to the applicant. The remaining copies shall be distributed to appropriate utilities and other agencies. (Ordinance No. O-01-96)

SECTION 6 – CONSTRUCTION ACROSS LOT LINES

When two abutting lots or parcels are under the same ownership and when a building is built so that it extends across the property line separating the two lots or parcels so that the building is located on both lots, for the purposes of this ordinance, these two lots or parcels shall be considered merged at that point and ownership of the lots or parcels shall not be conveyed separately without a subdivision or replat that shall divide the merged lots or parcels into separate lots but providing that no separated conveyance under any existing, merged or replatted lot configuration shall be made unless the resulting buildings meet all fire code requirements. Upon issuance of any building permit for any building that is to be built across a lot line, the city department issuing that permit shall prepare a document recording the issuance of the permit and the subsequent merging of the lot and assure that a copy of the document is submitted to the city department that maintains plat information and that document shall be filed with the appropriate plat. (Ordinance No. O-01-124)