

Mayor Bart Castleberry
Clerk/Treasurer Denise Hurd
City Attorney Charles Finkenbinder



City Council Members

Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Drew Spurges
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Mark Ledbetter
Ward 3 Position 2 – Spencer Hawks
Ward 4 Position 1 – Theodore Jones Jr.
Ward 4 Position 2 – Shelia Isby

Tuesday, October 28th, 2025 City Council Agenda

Conway Municipal Building, City Council Chambers

5:30 pm Committee: No Committee Meeting

6:00 pm: City Council Meeting

Call to Order: Bart Castleberry, Mayor

Roll Call: Denise Hurd, Clerk/Treasurer

Minutes Approval: October 14th, 2025

Monthly Financials Approval: September 30th, 2025

A. Public Hearing:

1. Public Hearing – Taxable Industrial Development Revenue Bonds for Westrock Beverage Company. (Exchange Ave Project)
2. Public Hearing – Taxable Industrial Development Revenue Bonds for Westrock Beverage Company. (Clark Drive - Project)

B. Economic Development Committee (Conway Area Chamber of Commerce, Conway Development Corporation, Conway Downtown Partnership, & Conway Corporation)

1. Consideration to approve waiving the three readings for certain ordinances & read title only (first reading) for certain ordinances (C-3, C-4, C-5, C-6) on the October 28th, 2025, City Council agenda.
2. Ordinance authorizing the issuance of taxable industrial development revenue improvement bonds for Westrock Beverage Company Exchange Avenue Project.
3. Ordinance authorizing the issuance of taxable industrial development revenue improvement bonds for Westrock Beverage Company, Clark Drive Project.
4. Ordinance authorizing the approval of the Independence Combined Cycle Gas Plant Ownership Agreement for Conway Corporation.

C. Community Development Committee (Airport, Community Development, Code Enforcement, Permits, Inspections, & Transportation, Planning & Development)

1. Consideration to approve the nomination of Lindsey French to the Conway Housing Authority Board.
2. Ordinance to approve the private club permit location of 1004 Oak Street for JTJ Nonprofit Inc. DBA: Big Bad Breakfast.
3. Ordinance amending the Conway Zoning Code (ARTICLE III) for the purposes of building and lot coverage for the Planning & Development Department – **FIRST READING ONLY**

4. Ordinance amending the Conway Zoning Code for the purposes of eliminating conflicts between Article IV and Article X; providing flexibility in parking requirements, simplification of language for the Planning & Development Department. – ***FIRST READING ONLY***
5. Ordinance amending the Conway Zoning Code (ARTICLE X), clarifying site development review scope, process, and fee schedule for the Planning and Development Department. – ***FIRST READING ONLY***
6. Ordinance amending the Conway Zoning Code (XIII) as amended for the purpose of defining or redefining terms for the Planning & Development Department – ***FIRST READING ONLY***
7. Ordinance to repeal the City's Territorial jurisdiction for compliance with ACT 314 of 2025.
8. Ordinance to rezone property located at 554 Ingram Street from R-2A to R-2.
9. Consideration to approve a conditional use approval to allow up to 24 dwelling units/acre, single lot, in the C-3 zone for property located at 2760 Garden Grove Drive.

D. Public Safety Committee (Police, Fire, District Court, IT, CEOC, City Attorney)

1. Ordinance appropriating funds for legal representation for the Conway Police Department.

E. New Business:

1. Consideration to confirm the November City Council schedule.

Adjournment



City of Conway, Arkansas
Monthly Financial Reports
September 30, 2025

City of Conway
Monthly Financial Report - Major Project Funds
As of September 30, 2025



Parks and Rec A&P Tax

Balance, 8/31/25	552,447
Receipts	26,965
Payments	(187,194)
Balance, 9/30/25	\$ 392,219

Pay as you go Sales Tax

Balance, 8/31/25	13,064,736
Receipts	546,622
Payments	(356,354)
Balance, 9/30/25	\$ 13,255,004

Street Impact Fees

Balance, 8/31/25	1,878,774
Receipts	8,990
Payments	(218,518)
Balance, 9/30/25	\$ 1,669,245

Parks Impact Fees

Balance, 8/31/25	430,561
Receipts	22,987
Payments	-
Balance, 9/30/25	\$ 453,548

Street Sales Tax

Balance, 8/31/25	20,563,355
Receipts	70,857
Payments	(389,705)
Balance, 9/30/25	\$ 20,244,506

American Rescue Plan Act

Balance, 8/31/25	1,021,264
Receipts	3,537
Payments	-
Balance, 9/30/25	\$ 1,024,800

City of Conway
Monthly Financial Report - General Fund
For the month ended September 30, 2025



	<u>Budget</u>	<u>Month</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
Revenues						
Property Tax	5,000,000	142,329	2,651,750		2,348,251	53%
Payments in Lieu of Tax	30,000	-	(200,478)		230,478	-668%
State Tax Turnback	2,400,000	428,926	2,043,549		356,451	85%
Sales Tax	30,500,000	2,591,881	22,708,656		7,791,344	74%
Beverage Tax	650,000	-	395,875		254,125	61%
Franchise Fees	3,898,400	437,700	3,625,507		272,893	93%
Licenses and Permits	654,000	22,504	417,946		236,054	64%
Public Safety	4,458,774	83,293	2,720,492		1,738,282	61%
Community Center	1,514,213	53,607	365,108		1,149,105	24%
Parks & Recreation	881,300	100,570	1,007,218		(125,918)	114%
Interest Income	450,000	64,130	732,602		(282,602)	163%
Contributions and Donations	5,000	950	7,450		(2,450)	149%
Grant Revenue	39,342	-	39,342		-	100%
Proceeds from Long Term Debt	4,000,000	-	3,968,530		31,470	99%
Lease Revenue	68,950	-	39,317		29,633	57%
Proceeds from Sale of Assets	1,993	49,437	59,294		(57,301)	2976%
Transfers In	770,000	-	260,000		510,000	34%
Insurance Proceeds	59,090	820	66,758		(7,668)	113%
Miscellaneous Revenues	25,000	(424,021)	42,425		(17,425)	170%
Total Revenues	55,406,061	3,552,126	40,951,338		14,454,722	74%
Expenditures						
Admin (Mayor, HR)	1,335,814	100,160	945,753	4,408	385,653	71%
Finance	553,151	64,417	377,695	-	175,456	68%
City Clerk/Treasurer	180,997	15,415	130,151	-	50,846	72%
City Council	90,737	8,961	58,622	-	32,115	65%
Planning	729,842	39,980	548,617	3,323	177,903	75%
Physical Plant	966,891	75,543	680,776	12,307	273,808	70%
Information Technology	1,744,617	315,308	1,195,104	16,555	532,957	69%
Permits and Inspections	645,491	49,122	438,691	1,274	205,525	68%
Community Center	9,071,346	267,617	7,530,438	46,843	1,494,066	83%
Nondepartmental	1,276,988	13,083	1,344,174	12,999	(80,184)	105%
Police	18,651,983	1,386,696	13,177,025	307,819	5,167,140	71%
CEO/C	4,930,037	222,915	2,323,036	41,353	2,565,648	47%
Animal Welfare	576,651	39,581	378,180	1,683	196,788	66%
Municipal District Court	1,065,884	77,889	787,345	2,306	276,233	74%
City Attorney	672,833	46,343	432,689	37	240,106	64%
Fire	16,730,075	1,076,202	12,930,386	344,904	3,454,784	77%
Parks	4,505,598	441,662	3,384,605	60,518	1,060,475	75%
Total Expenditures	63,728,936	4,240,894	46,663,286	856,329	16,209,321	73%
Net Revenue/(Expense)	(8,322,875)			(5,711,948)		

***All figures are unaudited**

Notes:

1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway
General Fund
2025



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-25-12	1/28/25	Funds for the completion of the Community Center	7,600,000
O-25-13	1/28/25	Fire department beanie caps	250
O-25-25	2/25/25	Bulletproof vest funds received in 2024 to be spent in 2025	18,530
O-25-28	3/11/25	Lease office space for Police Dept	25,000
O-25-56	7/22/25	Replace outdoor warning siren	50,000
O-25-59	7/22/25	Computer equipment for police department	108,957
O-25-61	7/22/25	Firefighter pay adjustments	160,000
			<u><u>\$ 7,962,737</u></u>

City of Conway
 Balance Sheet - General Fund
 As of September 30, 2025



Cash - Operating	12,000,080
Cash - Reserve	2,022,103
Petty Cash	715
Taxes Receivable	5,379,139
Accounts Receivable	5,556,374
Lease Receivable	532,199
Due from Street	29,989
Due from Component Unit	521,601
Due from Municipal Court	78,686
Fuel Inventory	6,128
General Inventory	585
Assets	<u>26,127,600</u>
Accounts Payable	-
Insurance and Benefits Payable	(61,160)
Event Deposits	9,350
Held for Others - Crimestopper Reward	5,000
Held for Others - Performance Bonds	5,195
Deferred Revenue	4,905,858
Unearned Revenue	1,469,873
Liabilities	<u>6,334,116</u>
Fund Balance	<u>19,793,483</u>
Total Liabilities & Fund Balance	<u>26,127,600</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Street Fund
 For the month ended September 30, 2025



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
Revenues						
Property Tax	1,800,000	52,462	982,099		817,901	55%
Payments in Lieu of Tax	10,000	-	-		10,000	0%
State Tax Turnback	4,800,000	433,678	3,702,885		1,097,115	77%
State Tax Turnback - Other	80,000	-	-		80,000	0%
Severance Tax	100,000	8,044	79,711		20,289	80%
State Tax Turnback - Wholesale	400,000	39,043	317,116		82,884	79%
Sales Tax	420,000	36,317	318,184		101,816	76%
Federal Grant Revenues	-	-	467,699		(467,699)	-
Sign Permits	-	-	180		(180)	-
Engineering Fees	10,000	650	11,700		(1,700)	117%
Fees for Street Cuts	-	7,875	76,885		(76,885)	-
Insurance Proceeds	-	-	4,891		(4,891)	-
Interest Income	200,000	20,481	203,186		(3,186)	102%
Miscellaneous Revenues	-	-	2,371		(2,371)	-
Total Revenues	7,820,000	598,550	6,166,908		1,653,092	79%
Expenditures						
Personnel Costs	3,432,381	220,461	2,121,281	-	1,311,100	62%
Other Operating Costs	4,567,698	379,917	3,292,843	198,241	1,076,615	72%
Total Operating Costs	8,000,079	600,378	5,414,124	198,241	2,387,715	68%
Capital Outlay	1,501,969	80,956	754,633	415,878	331,458	50%
Total Expenditures	9,502,049	681,334	6,168,757	614,119	2,719,173	65%
Net Revenue/(Expense)	(1,682,049)			(1,849)		

*All figures are unaudited

Notes:

1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway
Street Fund
2025



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-25-04	1/14/25	Condemnation settlement - Linn	267,875
O-25-17	2/11/25	Install fiber optic lines on Dave Ward Dr.	130,000
O-25-18	2/11/25	Technology upgrades for Harkrider facility	125,000
			<u><u>\$ 522,875</u></u>

City of Conway
Balance Sheet - Street Fund
As of September 30, 2025



Cash - Operating	5,921,203
Taxes Receivable	75,371
Accounts Receivable	<u>2,415,724</u>
Assets	<u>8,412,298</u>
Insurance and Benefits Payable	4,993
Due to General Fund	29,989
Deferred Revenue	<u>1,804,867</u>
Liabilities	<u>1,839,849</u>
Fund Balance	6,572,450
Total Liabilities & Fund Balance	<u>8,412,298</u>

*All figures are unaudited

City of Conway
Monthly Financial Report - Sanitation
For the month ended September 30, 2025



Revenues	Budget	Month	Year to Date	Encumbered	(Over)/Under Budget	% Expend/Collect
Sanitation Fee Rev-Residential	10,000,000	885,984	7,963,080		2,036,920	80%
Proceeds - Recycled Materials	500,000	22,002	424,349		75,651	85%
Landfill Fees - General	350,000	35,693	349,992		8	100%
Insurance Proceeds	-	-	3,896		(3,896)	-
Interest Income	600,000	77,962	758,445		(158,445)	126%
Proceeds from Sale of Assets	-	-	37,311		(37,311)	-
Miscellaneous Revenues	-	300	3,250		(3,250)	-
Total Revenues	11,450,000	1,021,940	9,540,322		1,909,678	83%
Expenditures						
Personnel Costs	6,216,500	472,288	4,627,666	-	1,588,834	74%
Other Operating Costs	5,557,052	212,108	2,243,466	232,037	3,081,548	40%
Total Operating Costs	11,773,552	684,396	6,871,132	232,037	4,670,382	58%
Capital Outlay	4,438,218	211,689	1,941,887	973,013	1,523,318	44%
Total Expenditures	16,211,770	896,085	8,813,019	1,205,050	6,193,701	54%
Net Revenue/(Expense)	(4,761,770)			727,303		

***All figures are unaudited**

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway
Sanitation Fund
2025



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-25-12	1/28/25	Funds for the completion of the Community Center	2,000,000

City of Conway
Balance Sheet - Sanitation
As of September 30, 2025



Cash - Operating	16,207,534
Petty Cash	200
Post Closure Cash Account	7,266,852
Due from Component Unit	993,020
General Inventory	2,122
Land & Buildings	2,165,364
Infrastructure	949,835
Machinery, Equipment & Vehicles	3,495,611
Deferred Outflows of Resources	445,823
Deferred Outflows of Resources-OPEB	193,091
Assets	<u>31,719,452</u>
Accounts Payable	1,129
Insurance and Benefits Payable	(3,441)
Compensated Absences	272,889
Net Pension Obligation	11,963,551
Deferred Inflows of Resources	2,805,804
Deferred Inflows of Resources-OPEB	280,270
Net OPEB Liability	882,704
Landfill Close/Post Close	9,283,034
Liabilities	<u>25,485,940</u>
Net Position	<u>6,233,512</u>
Total Liabilities and Net Position	<u>31,719,452</u>

***All figures are unaudited**

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway
Monthly Financial Report - Airport
For the month ended September 30, 2025



Revenues	Budget	Month Activity	Year to Date	Encumbered	(Over)/Under Budget	% Expend/Collect
Sales Tax	40,000	4,459	30,572		9,428	76%
Airport Fuel Sales	1,720,000	157,727	1,480,538		239,462	86%
T-Hangar Rent	185,400	9,035	168,991		16,410	91%
Community Hangar Rent	43,200	3,000	21,000		22,200	49%
Ground Leases	20,665	10,695	19,298		1,368	93%
Misc Revenue - Non air	10,000	2,560	14,243		(4,243)	142%
Miscellaneous Revenues	22,000	3,855	27,255		(5,255)	124%
Total Revenues	2,041,265	191,330	1,761,897	-	279,368	86%
Expenditures						
Personnel Costs	421,023	36,772	335,393	-	85,630	80%
Fuel for Resale	1,450,000	110,895	1,089,420	-	360,580	75%
Other Operating Costs	170,242	10,609	138,589	2,293	29,360	81%
Total Operating Costs	2,041,265	158,277	1,563,401	2,293	475,570	77%
Capital Outlay	36,000	-	-	-	36,000	0%
Total Expenditures	2,077,265	158,277	1,563,401	2,293	511,570	75%
Net Revenue/(Expense)					<u>198,495</u>	

***All figures are unaudited**

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway
Airport Fund
2025

Fund Balance Appropriations



<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-25-02	1/14/25	FAA grant match	36,000

City of Conway
Balance Sheet - Airport
As of September 30, 2025



Cash - Operating	476,718
Taxes Receivable	5,550
Accounts Receivable - Fuel Vendor	61,398
Fuel Inventory	59,174
Land	1,254,473
Buildings	4,522,530
Machinery & Equipment	84,682
Infrastructure	20,102,639
Deferred Outflows of Resources-OPEB	2,647
<i>Assets</i>	<u>26,569,812</u>
Compensated Absences	12,153
Deferred Inflows of Resources	12,099
Deferred Inflows of Resources-OPEB	3,842
Unearned Revenue	256,944
Note Payable	600,000
<i>Liabilities</i>	<u>885,038</u>
<i>Net Position</i>	<u>25,684,774</u>
<i>Total Liabilities & Net Position</i>	<u>26,569,812</u>

***All figures are unaudited**

Note: Capital assets shown at book value (cost less accumulated depreciation).

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held at the time and place set forth below before the Mayor and the City Council of the City of Conway, Arkansas (the "City"), on the question of the adoption of an ordinance authorizing the issuance of not to exceed \$350,000,000 in aggregate principal amount of a Taxable Industrial Development Revenue Improvement and Refunding Bond (Westrock Beverage Company, LLC – Exchange Avenue Project), Series 2025 (the "Series 2025 Bond"), by the City, under the authority of Act No. 9 of the First Extraordinary Session of the Sixty-Second General Assembly of the State of Arkansas, approved January 21, 1960, as amended. The Series 2025 Bond will be issued (i) to refund the City's outstanding not to exceed \$300,000,000 Taxable Industrial Development Revenue Bond (Westrock Beverage Company, LLC Project), Series 2024 (the "Series 2024 Bond"), and (ii) to provide financing for the acquisition, renovation, refurbishment and equipping of certain industrial facilities (the "Project") located at 480 Exchange Avenue in the City to be utilized in the production and sale of coffee, tea, liquid extracts and allied products by Westrock Beverage Company, LLC, an Arkansas limited liability company, or an affiliate thereof or successor thereto (the "Company"). The Series 2024 Bond financed and refinanced initial portions of the Project.

The Project will be owned by the City and leased to the Company pursuant to a lease agreement providing for rental payments by the Company sufficient in amount to provide for the payment of principal, premium, if any, and interest on the Series 2025 Bond.

Any persons interested may express their views, both orally and in writing, on the proposed issuance of the Series 2025 Bond and on the location and nature of the Project improvements to be financed before the Mayor and City Council at a public hearing to be held on Tuesday, October 28, 2025, at 6:00 p.m. in the City Council Chambers, 1111 Main Street, Conway, Arkansas. At such hearing, all objections and suggestions will be heard and considered, and such action will be taken as is deemed proper in response to said suggestion and objections.

Dated: October 15, 2025

PUBLICATION INSTRUCTIONS: Publish one time on or before October 18, 2025 in *The Log Cabin Democrat*. Send two (2) proofs of publication to Kutak Rock LLP, 124 West Capitol Avenue, Suite 2000, Little Rock, AR 72201, Attn: Gordon M. Wilbourn.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held at the time and place set forth below before the Mayor and the City Council of the City of Conway, Arkansas (the "City"), on the question of the adoption of an ordinance authorizing the issuance of not to exceed \$75,000,000 in aggregate principal amount of a Taxable Industrial Development Revenue Bond (Westrock Beverage Company, LLC – Clark Drive Project), Series 2025 (the "Series 2025 Bond"), by the City, under the authority of Act No. 9 of the First Extraordinary Session of the Sixty-Second General Assembly of the State of Arkansas, approved January 21, 1960, as amended. The Series 2025 Bond will be issued provide financing for the acquisition and installation of certain packaging equipment in industrial facilities located at 1430 William J. Clark Drive in the City (the "Project") to be utilized in the production and sale of coffee, tea, liquid extracts and allied products by Westrock Beverage Company, LLC, an Arkansas limited liability company, or an affiliate thereof or successor thereto (the "Company").

The Project will be owned by the City and leased to the Company pursuant to a lease agreement providing for rental payments by the Company sufficient in amount to provide for the payment of principal, premium, if any, and interest on the Series 2025 Bond.

Any persons interested may express their views, both orally and in writing, on the proposed issuance of the Series 2025 Bond and on the location and nature of the Project improvements to be financed before the Mayor and City Council at a public hearing to be held on Tuesday, October 28, 2025, at 6:00 p.m. in the City Council Chambers, 1111 Main Street, Conway, Arkansas. At such hearing, all objections and suggestions will be heard and considered, and such action will be taken as is deemed proper in response to said suggestion and objections.

Dated: October 15, 2025

PUBLICATION INSTRUCTIONS: Publish one time on or before October 18, 2025 in *The Log Cabin Democrat*. Send two (2) proofs of publication to Kutak Rock LLP, 124 West Capitol Avenue, Suite 2000, Little Rock, AR 72201, Attn: Gordon M. Wilbourn.

City of Conway, Arkansas
Office of the Mayor
Mayor Bart Castleberry
1111 Main Street
Conway, AR 72032
www.conwayarkansas.gov

MEMO

To: Mayor Castleberry
CC: City Council Members
From: Felicia T. Rogers
Date: October 10, 2025
Re: October 28th, 2025 City Council Agenda

- I. The following ordinances are included on the October 28th, 2025, City Council Agenda for consideration of waiving the three readings of each ordinance listed below:
 - a. B-2 Ordinance authorizing the issuance of taxable industrial development revenue improvement bonds for Westrock Beverage Company Exchange Avenue Project.
 - b. B-3 Ordinance authorizing the issuance of taxable industrial development revenue improvement bonds for Westrock Beverage Company, Clark Drive Project.
 - c. B-4 Ordinance authorizing the approval of the Independence Combined Cycle Gas Plant Ownership Agreement for Conway Corporation
 - d. B-1 Ordinance to approve the private club permit location of 1004 Oak Street for JTJ Nonprofit Inc. DBA: Big Bad Breakfast.
 - e. B-6 Ordinance to repeal the City's Territorial jurisdiction for compliance with ACT 314 of 2025.
 - f. B-7 Ordinance to rezone property located at 554 Ingram Street from R-2A to R-2.
 - g. C-1 Ordinance appropriating funds for legal representation for the Conway Police Department.
- II. Consideration to approve the first reading title only for the following items:

First reading only by title only:

- a. Ordinance amending the Conway Zoning Code (ARTICLE III) for the purposes of building and lot coverage for the Planning & Development Department – **FIRST READING ONLY**

- b. Ordinance amending the Conway Zoning Code for the purposes of eliminating conflicts between Article IV and Article X; providing flexibility in parking requirements, simplification of language for the Planning & Development Department. – **FIRST READING ONLY**
- c. Ordinance amending the Conway Zoning Code (ARTICLE X), clarifying site development review scope, process, and fee schedule for the Planning and Development Department. – **FIRST READING ONLY**
- d. Ordinance amending the Conway Zoning Code (XIII) as amended for the purpose of defining or redefining terms for the Planning & Development Department – **FIRST READING ONLY**

Please advise if you have any questions.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A TAXABLE INDUSTRIAL DEVELOPMENT REVENUE IMPROVEMENT AND REFUNDING BOND UNDER THE AUTHORITY OF ACT NO. 9 OF 1960, AS AMENDED, FOR THE PURPOSE OF SECURING AND DEVELOPING INDUSTRY WITHIN THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE SECURING THE BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN THE CITY, AS LESSOR, AND WESTROCK BEVERAGE COMPANY, LLC, AS LESSEE; AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND AMENDED AND RESTATED AGREEMENT FOR PAYMENTS IN LIEU OF TAXES; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS RELATING TO THE ISSUANCE OF THE BOND; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Conway, Arkansas (the “City”) is authorized under the provisions of Amendment 65 to the Constitution of the State of Arkansas (“Amendment 65”) and the Municipalities and Counties Industrial Development Revenue Bond Law, Arkansas Code Annotated Sections 14-164-201 *et seq.* (the “Act”), to own, acquire, construct, reconstruct, improve, equip and lease facilities to secure and develop industry and to assist in the financing thereof by the issuance of bonds payable from the revenues derived from such facilities; and

WHEREAS, as defined in the Act, “industry” includes manufacturing facilities, warehouses, distribution facilities, repair and maintenance facilities, and corporate and management offices for industry; and

WHEREAS, Westrock Beverage Company, LLC, an Arkansas limited liability corporation engaged in the production and sale of coffee, tea, liquid extracts and allied products (the “Company”), has acquired, and is in the process of renovating, rehabilitating and equipping, a production facility (the “Project”) located on approximately 44 acres at 480 Exchange Avenue within the corporate boundaries of the City;

WHEREAS, in accordance with the Act, by the adoption of Ordinance No. O-21-125 on December 27, 2021, the City Council previously authorized and there has previously been issued the City’s Not to Exceed \$160,000,000 Taxable Industrial Development Revenue Bond (Westrock Beverage Company, LLC Project), Series 2021 (the “Series 2021 Bond”), for the purpose of financing acquisition, renovation, rehabilitation and equipment costs associated with the Project; and

WHEREAS, in accordance with the Act, by the adoption of Ordinance No. O-23-86 on October 24, 2023, the City Council previously authorized and there has previously been issued the City’s Not to Exceed \$300,000,000 Taxable Industrial Development Revenue Bond (Westrock Beverage Company, LLC Project), Series 2024 (the “Series 2024 Bond”), for the purpose of

refunding the Series 2021 Bond and financing additional costs associated with the acquisition, renovation, rehabilitation and equipping of the Project; and

WHEREAS, because the scope of the Project has expanded again beyond the Company's expectations at the time of issuance of the Series 2024 Bond, the Company has requested the City's assistance in financing and refinancing the total costs of the Project through the issuance of a revenue bond under the authority of Amendment 65 and the Act; and

WHEREAS, in order to secure and develop industry within the City in accordance with the provisions of Amendment 65 and the Act, the City desires to assist the Company in the financing of the total costs of the Project and the refunding of the Series 2024 Bond through the issuance of the City's Not to Exceed \$350,000,000 Taxable Industrial Development Revenue Improvement and Refunding Bond (Westrock Beverage Company, LLC – Exchange Avenue Project), Series 2025 (the "Series 2025 Bond");

WHEREAS, an open public hearing on the question of the issuance of the Series 2025 Bond was held before the City Council on October 28, 2025, following publication of notice in *The Log Cabin Democrat* on October 18, 2025; and

WHEREAS, the Bond will be issued pursuant to the terms and provisions of a Trust Indenture to be dated as of the date of delivery of the Bond (the "Indenture"), by and between the City and First Security Bank, Searcy, Arkansas, as trustee (the "Trustee"); and

WHEREAS, the necessary arrangements have been made by the City to lease the financed and refinanced property constituting the Project to the Company pursuant to the terms of a Lease Agreement to be dated as of the date of delivery of the Bond (the "Lease Agreement");

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

Section 1. The City Council makes the following findings and determinations:

(a) Based on information compiled and released by the Arkansas Division of Workforce Services, unemployment in Faulkner County during August of 2025 averaged 3.7%. Completion of the Project is expected to provide additional employment and other benefits to residents of the City.

(b) The Company currently intends to utilize the Project in its coffee, tea, liquid extracts and allied products business.

(c) The Company's presence within the City is expected to be an important factor in the economic well-being and employment base for the City and its inhabitants.

(d) The Series 2025 Bond shall not constitute a general obligation of the City within the meaning of any constitutional or statutory limitation, but shall be a special limited obligation of the City as provided in the Act, the principal and interest on which shall be payable solely from the revenues or other receipts, funds, monies and property pledged therefor under the Indenture.

Section 2. There is hereby authorized and directed the issuance from time to time of the Series 2025 Bond and the sale thereof to Westrock Beverage Solutions, LLC, an Arkansas limited liability company and an affiliate of the Company (the “Purchaser”), pursuant to the terms and provisions of a Bond Purchase Agreement to be dated as of the date of delivery of the Series 2025 Bond (the “Bond Purchase Agreement”), which Bond Purchase Agreement is specifically approved in Section 3 hereof. The Series 2025 Bond shall be sold at the purchase price of par plus accrued interest, if any, and shall be issued and delivered according to the terms and provisions of the Bond Purchase Agreement. The Series 2025 Bond shall be issued in the original aggregate principal amount of not to exceed Three Hundred Fifty Million Dollars (\$350,000,000), shall be dated as of the date of its delivery, shall have a final maturity of December 1, 2053, shall bear interest at the rate of 5.50% per annum, shall be in the form, and shall be issued upon the terms and conditions recommended by the Company, all as more particularly set forth in the Trust Indenture approved in Section 4 hereof. The Mayor is hereby authorized and directed to execute and deliver the Series 2025 Bond at such time as requested by the Company, and the City Clerk is hereby authorized and directed to execute and deliver the Series 2025 Bond and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Series 2025 Bond to be authenticated by the Trustee.

Section 3. To prescribe the terms and conditions upon which the Series 2025 Bond is to be sold to the Purchaser, the Mayor is hereby authorized and directed to execute at the request of the Company the Bond Purchase Agreement on behalf of the City, by and between the City and the Purchaser, and approved by the Company. The Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Purchaser, the Company and Kutak Rock LLP, Little Rock, Arkansas (“Bond Counsel”), in order to complete the Bond Purchase Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Bond Purchase Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 4. To prescribe the terms and conditions upon which the Series 2025 Bond is to be secured, executed, authenticated, issued, accepted and held, the Mayor and the City Clerk are hereby authorized and directed to execute, acknowledge and deliver the Trust Indenture, by and between the City and the Trustee, and the Mayor and City Clerk are hereby authorized and directed to cause the Trust Indenture to be accepted, executed and acknowledged by the Trustee. The Trust Indenture is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Trustee, the Company, the Purchaser and Bond Counsel in order to complete the Trust Indenture in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Trust Indenture in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 5. There is hereby authorized and directed the execution and delivery of the Lease Agreement by and between the City, as lessor, and the Company, as lessee, and the Mayor and the City Clerk are hereby authorized to execute, acknowledge and deliver the Lease Agreement for and on behalf of the City. The Lease Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Company, the Trustee, the Purchaser and Bond Counsel in order to complete the Lease Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Lease Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 6. The City and the Company recognize that under Article 16, Section 5, of the Constitution of the State of Arkansas, as interpreted under past decisions of the Supreme Court of the State of Arkansas applicable to facilities financed pursuant to the Act, including particularly the case of Wayland v. Snapp, 232 Ark. 57, 334 S.W.2d 663 (1960), the Project will be exempt from *ad valorem* taxation. Although the City makes no representation as to the continued precedential value of such past decisions, the Company has agreed to enter into a Second Amended and Restated Agreement for Payments in Lieu of Taxes to be dated as of the date of its execution (the "PILOT Agreement") requiring the Company to make certain payments in lieu of all *ad valorem* taxes which would otherwise be levied on the Project real and personal property by local public bodies with taxing power. In order to provide for such payments, there is hereby authorized and directed the execution and delivery of the PILOT Agreement, and the Mayor is hereby authorized to execute and deliver the PILOT Agreement for and on behalf of the City. The PILOT Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Company and Bond Counsel in order to complete the PILOT Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the PILOT Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 7. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Series 2025 Bond, the Bond Purchase Agreement, the Trust Indenture, the Lease Agreement and the PILOT Agreement, and to perform all of the City's obligations under and pursuant thereto. The Mayor and the City Clerk are hereby further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 8. Because the City is here involved with the acquisition and equipping of a complex industrial project requiring highly specialized work and specialized types of machinery and equipment, it has been and is hereby determined by the City Council that competitive bidding

be, and the same is hereby, waived as to this particular industrial project. This action is taken by the City pursuant to applicable laws of the State of Arkansas, including particularly the Act.

Section 9. Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed as Bond Counsel with respect to the issuance of the Series 2025 Bond, the fees and expenses of which firm shall be costs of the Project and paid from the proceeds of the Series 2025 Bond or by the Company.

Section 10. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions.

Section 11. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

ADOPTED: October 28th, 2025.

Mayor Bart Castleberry

ATTEST:

Denise Hurd
City Clerk/Treasurer

(S E A L)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BOND UNDER THE AUTHORITY OF ACT NO. 9 OF 1960, AS AMENDED, FOR THE PURPOSE OF SECURING AND DEVELOPING INDUSTRY WITHIN THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE SECURING THE BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN THE CITY, AS LESSOR, AND WESTROCK BEVERAGE COMPANY, LLC, AS LESSEE; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR PAYMENTS IN LIEU OF TAXES; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS RELATING TO THE ISSUANCE OF THE BOND; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Conway, Arkansas (the “City”) is authorized under the provisions of Amendment 65 to the Constitution of the State of Arkansas (“Amendment 65”) and the Municipalities and Counties Industrial Development Revenue Bond Law, Arkansas Code Annotated Sections 14-164-201 *et seq.* (the “Act”), to own, acquire, construct, reconstruct, improve, equip and lease facilities to secure and develop industry and to assist in the financing thereof by the issuance of bonds payable from the revenues derived from such facilities; and

WHEREAS, as defined in the Act, “industry” includes manufacturing facilities, warehouses, distribution facilities, repair and maintenance facilities, and corporate and management offices for industry; and

WHEREAS, the necessary arrangements have been made with Westrock Beverage Company, LLC, an Arkansas limited liability corporation engaged in the production, distribution and sale of coffee, tea, liquid extracts and allied products (the “Company”), to provide for the financing of an industrial project consisting of the acquisition and installation of certain packaging equipment in an existing industrial facility located on approximately 30.85 acres at 1430 William J. Clark Drive within the corporate boundaries of the City (the “Project”); and

WHEREAS, in order to secure and develop industry within the City in accordance with the provisions of Amendment 65 and the Act, the City desires to assist the Company in the financing of the total costs of the Project through the issuance of the City’s Not to Exceed \$75,000,000 Taxable Industrial Development Revenue Bond (Westrock Beverage Company, LLC – Clark Drive Project), Series 2025 (the “Series 2025 Bond”); and

WHEREAS, an open public hearing on the question of the issuance of the Series 2025 Bond was held before the City Council on October 28, 2025, following publication of notice in *The Log Cabin Democrat* on October 18, 2025; and

WHEREAS, the Bond will be issued pursuant to the terms and provisions of a Trust Indenture to be dated as of the date of delivery of the Bond (the “Indenture”), by and between the City and First Security Bank, Searcy, Arkansas, as trustee (the “Trustee”); and

WHEREAS, the necessary arrangements have been made by the City to lease the personal property constituting the Project to the Company pursuant to the terms of a Lease Agreement to be dated as of the date of delivery of the Bond (the “Lease Agreement”);

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

Section 1. The City Council makes the following findings and determinations:

(a) Based on information compiled and released by the Arkansas Division of Workforce Services, unemployment in Faulkner County during August of 2025 averaged 3.7%. Completion of the Project is expected to provide additional employment and other benefits to residents of the City.

(b) The Company currently intends to utilize the Project in its coffee, tea, liquid extracts and allied products business.

(c) The Company’s presence within the City is expected to be an important factor in the economic well-being and employment base for the City and its inhabitants.

(d) The Series 2025 Bond shall not constitute a general obligation of the City within the meaning of any constitutional or statutory limitation, but shall be a special limited obligation of the City as provided in the Act, the principal and interest on which shall be payable solely from the revenues or other receipts, funds, monies and property pledged therefor under the Indenture.

Section 2. There is hereby authorized and directed the issuance from time to time of the Series 2025 Bond and the sale thereof to Westrock Beverage Solutions, LLC, an Arkansas limited liability company and an affiliate of the Company (the “Purchaser”), pursuant to the terms and provisions of a Bond Purchase Agreement to be dated as of the date of delivery of the Series 2025 Bond (the “Bond Purchase Agreement”), which Bond Purchase Agreement is specifically approved in Section 3 hereof. The Series 2025 Bond shall be sold at the purchase price of par plus accrued interest, if any, and shall be issued and delivered according to the terms and provisions of the Bond Purchase Agreement. The Series 2025 Bond shall be issued in the original aggregate principal amount of not to exceed Seventy-Five Million Dollars (\$75,000,000), shall be dated as of the date of its delivery, shall have a final maturity of December 1, 2055, shall bear interest at the rate of 5.50% per annum, shall be in the form, and shall be issued upon the terms and conditions recommended by the Company, all as more particularly set forth in the Trust Indenture approved in Section 4 hereof. The Mayor is hereby authorized and directed to execute and deliver the Series 2025 Bond at such time as requested by the Company, and the City Clerk is hereby authorized and directed to execute and deliver the Series 2025 Bond and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Series 2025 Bond to be authenticated by the Trustee.

Section 3. To prescribe the terms and conditions upon which the Series 2025 Bond is to be sold to the Purchaser, the Mayor is hereby authorized and directed to execute at the request of the Company the Bond Purchase Agreement on behalf of the City, by and between the City and

the Purchaser, and approved by the Company. The Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Purchaser, the Company and Kutak Rock LLP, Little Rock, Arkansas (“Bond Counsel”), in order to complete the Bond Purchase Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Bond Purchase Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 4. To prescribe the terms and conditions upon which the Series 2025 Bond is to be secured, executed, authenticated, issued, accepted and held, the Mayor and the City Clerk are hereby authorized and directed to execute, acknowledge and deliver the Trust Indenture, by and between the City and the Trustee, and the Mayor and City Clerk are hereby authorized and directed to cause the Trust Indenture to be accepted, executed and acknowledged by the Trustee. The Trust Indenture is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Trustee, the Company, the Purchaser and Bond Counsel in order to complete the Trust Indenture in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Trust Indenture in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 5. There is hereby authorized and directed the execution and delivery of the Lease Agreement by and between the City, as lessor, and the Company, as lessee, and the Mayor and the City Clerk are hereby authorized to execute, acknowledge and deliver the Lease Agreement for and on behalf of the City. The Lease Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Company, the Trustee, the Purchaser and Bond Counsel in order to complete the Lease Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Lease Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 6. The City and the Company recognize that under Article 16, Section 5, of the Constitution of the State of Arkansas, as interpreted under past decisions of the Supreme Court of the State of Arkansas applicable to facilities financed pursuant to the Act, including particularly the case of Wayland v. Snapp, 232 Ark. 57, 334 S.W.2d 663 (1960), the personal property comprising the Project will be exempt from *ad valorem* taxation. Although the City makes no representation as to the continued precedential value of such past decisions, the Company has

agreed to enter into an Agreement for Payments in Lieu of Taxes to be dated as of the date of its execution (the “PILOT Agreement”) requiring the Company to make certain payments in lieu of all *ad valorem* taxes which would otherwise be levied on the Project personal property by local public bodies with taxing power. In order to provide for such payments, there is hereby authorized and directed the execution and delivery of the PILOT Agreement, and the Mayor is hereby authorized to execute and deliver the PILOT Agreement for and on behalf of the City. The PILOT Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor, with the counsel of the City Attorney, is hereby authorized to confer with the Company and Bond Counsel in order to complete the PILOT Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the PILOT Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 7. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Series 2025 Bond, the Bond Purchase Agreement, the Trust Indenture, the Lease Agreement and the PILOT Agreement, and to perform all of the City’s obligations under and pursuant thereto. The Mayor and the City Clerk are hereby further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 8. Because the City is here involved with the acquisition and equipping of a complex industrial project requiring highly specialized work and specialized types of machinery and equipment, it has been and is hereby determined by the City Council that competitive bidding be, and the same is hereby, waived as to this particular industrial project. This action is taken by the City pursuant to applicable laws of the State of Arkansas, including particularly the Act.

Section 9. Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed as Bond Counsel with respect to the issuance of the Series 2025 Bond, the fees and expenses of which firm shall be costs of the Project and paid from the proceeds of the Series 2025 Bond or by the Company.

Section 10. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions.

Section 11. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

ADOPTED: _____, 2025.

Mayor

ATTEST:

City Clerk

(S E A L)



City of Conway, Arkansas
Ordinance No. O-25-_____

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE INDEPENDENCE COMBINED CYCLE GAS PLANT OWNERSHIP AGREEMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Whereas, the City of Conway, Arkansas (the "City") owns municipal utility and telecommunications facilities that have been operated by Conway Corporation ("Conway Corp") to furnish services for the benefit of the residents, businesses, and others for approximately 95 years; and

Whereas, on or about May 22, 1979, the Conway City Council adopted Ordinance No. O-79-26 authorizing, *inter alia*, the execution of various agreements to acquire a two percent (2%) undivided interest in the White Bluff Steam Electric Station ("White Bluff") and a two percent (2%) undivided interest in the Independence Steam Electric Station ("Independence"); and

Whereas, as described in the agreements approved by the City in Ordinance No. O-25-34 on the 22nd day of April, 2025, the City plans to consolidate its future development rights at White Bluff and Independence for the construction of a new combined-cycle natural gas plant to be located on excess land at Independence ("Replacement Generator"); and

Whereas, the City is authorized under Ark. Code Ann. § 14-202-103(a) to acquire, construct, reconstruct, enlarge, equip, operate, and maintain an interest in a project such as the Replacement Generator, jointly with one (1) or more municipalities, persons, or public utilities; and

Whereas, the officers, agents, and employees of Conway Corporation have extensively negotiated with other participants to develop an ownership agreement to describe the rights and obligations of the City related to the Replacement Generator; and

Whereas, the Conway Corporation Board has approved the execution of the negotiated ownership agreement in substantially similar form and content as the document attached as Exhibit A, and recommends that the City approve the same; and

Whereas, the City finds that the ownership agreement is favorable to the City as it:

- Fully preserves and utilizes the City's legacy development rights;
- Adheres to Conway Corporation's Integrated Resource Plan;
- Fairly allocates costs and risks of development; and
- Supports long-term affordability and stability of utility services.

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

Section 1. Nature of Agreement. The City Council acknowledges that the Independence Combined Cycle Gas Plant contemplated by the ownership agreement attached as Exhibit A is a “major utility facility” as defined in Ark. Code Ann. § 14-202-102(8) that is being developed in conjunction with other municipalities and public utilities as described in Ark. Code Ann. § 14-202-103(a). Accordingly, the City hereby exercises its rights and exemptions described in Ark. Code Ann. § 14-202-123 regarding the development of the Independence Combined Cycle Gas Plant and matters related thereto.

Section 2. Independence Combined Cycle Gas Plant Ownership Agreement. The City Council hereby authorizes both the Mayor and Chief Executive Officer of Conway Corporation (“CEO”) to execute and deliver on behalf of the City of Conway, Arkansas a document that is substantially similar in form and content to the Independence Combined Cycle Gas Plant Ownership Agreement that is attached hereto as Exhibit A and incorporated herein as if set forth word for word. The Mayor and CEO are hereby authorized to confer with the other participating entities to complete the Independence Combined Cycle Gas Plant Ownership Agreement with only such changes that do not, in the opinion of the Mayor, CEO, and their respective legal counsel, substantially alter the form and content of the Independence Combined Cycle Gas Plant Ownership Agreement.

Section 3. Agency. The City Council affirms the role of Conway Corporation as an instrumentality of the City of Conway, Arkansas and hereby appoints the Chief Executive Officer of Conway Corporation (“CEO”) to act as agent for the City regarding all matters related to the Independence Combined Cycle Gas Plant Ownership Agreement. To this end, the CEO shall ensure compliance with the Independence Combined Cycle Gas Plant Ownership Agreement and timely report to the City on matters of interest related to the Independence Combined Cycle Gas Plant Ownership Agreement.

Section 4. Attestation and Filing of Final Agreements. The City Clerk is hereby authorized to execute the Independence Combined Cycle Gas Plant Ownership Agreement for the sole purpose of attesting to the signature and authority of the Mayor and Chief Executive Officer of Conway Corporation. The Independence Combined Cycle Gas Plant Ownership Agreement shall not be publicized but shall be filed in the Office of the City Clerk.

Section 5. Severability. That the provisions of this ordinance are declared to be severable, and if any section, phrase or provision shall be for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions

Section 6. Conflicts Repealed. That all ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of the conflict.

Section 7. Nature of Ordinance. The City Council hereby finds that this ordinance authorizes the execution of a specific document related to the development of a Combined Cycle Gas Plant. While this ordinance is not of a general or permanent nature, the procedures used by the City Council when adopting this ordinance that reflect those used in the adoption of an ordinance of a general or permanent nature are for convenience only and shall not be used to infer that this ordinance is of a general or permanent nature.

Section 8. Emergency Clause. That the City Council hereby finds that the development of new electric generation assets to replace the White Bluff Steam Electric Station and the Independence Steam Electric Station is a time-consuming process that is critical to the management of energy prices for residents, businesses, and other within the City of Conway, Arkansas such that a delay in the effective

date of this ordinance and approval of the attached agreement could result in both increased cost and risk in the price of wholesale power to the City of Conway, Arkansas to be borne by its residents, businesses, and others. Therefore, this ordinance being necessary for the immediate protection of the health, safety, and welfare of the citizens of Conway, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED this 28th day of October, 2025.

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer

**CITY OF CONWAY, ARKANSAS**

Office of the Mayor
Mayor Bart Castleberry
www.conwayarkansas.gov

1111 Main Street
Conway, AR 72032
T 501.450.6110
F 501.450.6145

MEMO

To: Mayor Bart Castleberry
City Council Members

From: Felicia T. Rogers
Date: October 28, 2025

Re: Conway Housing Authority

The Conway Housing Authority approved the selection of Lindsey French to serve on the board at its September 26th, 2025, meeting.

Mrs. French will fill a vacancy on the board, and serve a five year term, with an expiration date of October 31, 2029.

Please advise if you have any questions.



City of Conway, Arkansas
Ordinance No. O-25-_____

AN ORDINANCE APPROVING THE PRIVATE CLUB PERMIT FOR JTJ Non-Profit Inc. DBA: Big Bad Breakfast, AND ALLOWING FOR THE APPLICATION OF THE REQUIRED PERMITS FROM THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION PER ARKANSAS CODE ANNOTATED §3-9-222 AS AMENDED

Whereas, **JTJ Non-Profit Inc. DBA: Big Bad Breakfast** has applied for a private club permit as required under Chapter 4.12.04 of the Conway City Code per Ordinance No. O-17-100 and A.C.A §3-9-222, and

Whereas, the application is limited and specific to **JTJ Non-Profit Inc. DBA: Big Bad Breakfast, 1004 Oak Street, Conway, Arkansas 72032** and

Whereas, the applicant has provided all the information required in permit application process and met all the standards set forth by the Conway City Council, and

Whereas, the City Council for the City of Conway hereby approves the application for a permit for the proposed location to operate a private club within the City limits of Conway,

Whereas, this approval does not authorize the operation of a private club within the City of Conway, but does function as an authorization to apply for a private club permit through the Arkansas Alcoholic Beverage Control Division per A.C.A §3-9-222.

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

Section 1. That the application for private club permit is hereby approved for and specific to **JTJ Non-Profit Inc. DBA: Big Bad Breakfast, 1004 Oak Street, Conway, Arkansas 72032**.

Section 2. That no private club operations will begin unless and until a permit to operate a private club is issued by the Arkansas Alcoholic Beverage Division.

Section 3. That the approval and permit are subject to suspension or revocation by the City in the event (applicant) violates Conway City Code or State law.

Passed this 28th day of October, 2025.

Approved:

**_____
Mayor Bart Castleberry**

Attest:

**_____
Denise Hurd
City Clerk/Treasurer**



1111 Main Street • Conway, AR 72032
(501) 450-6105 • planning@conwayarkansas.gov

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Lori Quinn, 2025 Planning Commission Chairwoman
Date: October 28, 2025

Re: Request to amend Conway Zoning Code: Articles III, IV, IX, X, XIII

Amendments to the Zoning Code are being requested for the following sections:

- Zoning District Regulations (305.3, 306.4, 307.3, 309.3, and 310.3);
- Off-Street Parking and Access Management (401-412);
- Moving of Buildings (901-910);
- Development Review (1001-1016); and
- Definitions (1302)

Planning Staff reviewed the amendments with an Advisory Committee and presented a draft document at a Public Input Meeting on September 4, 2025. On September 15, 2025, Planning Staff presented the draft document to Planning Commission. On September 23, 2025 the draft document was presented to City Council.

The Planning Commission reviewed the request at its regular meeting on October 20, 2025, and voted 8-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.



City of Conway, Arkansas
Ordinance No. O-25-_____

AN ORDINANCE AMENDING THE CONWAY ZONING CODE O-94-54, AS AMENDED FOR THE PURPOSES OF DISTINGUISHING BETWEEN BUILDING COVERAGE AND LOT COVERAGE; REMOVE DUPLICATIVE REQUIREMENTS ADDRESSED THROUGH OTHER CODE SECTIONS; AND FOR OTHER PURPOSES:

Whereas, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

Whereas, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on **October 20, 2025**, and adopted the prepared amendments.

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

Section 1: That these amendments to the Conway Zoning Code are hereby adopted by reference, and included as exhibit "A" to this ordinance, as Article III of O-94-54, as amended and also known as the Conway Zoning Code.

Section 2: All ordinances in conflict herewith are repealed to the extent of the conflict. The Planning and Development Director shall be empowered to recodify the Zoning Code as necessary to update the code with the amendments.

PASSED this _____, 2025.

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer

EXHIBIT A

305.3 - LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any residential district in a manner that does not meet the minimum requirements set forth in the following table:

No building or structure shall be erected or enlarged that will cause the maximum lot coverage, building coverage, or maximum height regulations to be exceeded for such district as set forth in the following table. However, a principal use building or structure may exceed the maximum allowed height (but not number of stories) when an additional one (1) foot of interior side yard setback is provided for each two (2) feet of additional height. This exception does not apply to zero lot line buildings.

A minimum of ten (10) feet shall separate all detached buildings. Each lot in R-1, R-2, R-2A, SR, and HR zoning districts shall have a minimum street frontage equal to the minimum lot width, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than thirty-five (35) feet of street frontage with the two (2) side lot lines intersecting the street diverging until they are separated by the minimum required lot width at the building line. Each lot in MF-1, MF-2, MF-3, and RMH zoning districts shall have a minimum of thirty-five (35) feet of street frontage. Each lot must be a minimum of one hundred (100) feet in depth at its shallowest point with the depth measured at right angles or radial to the centerline of the street line. That all lots existing at the time of the passage of this ordinance that are rendered nonconforming by the passage of this ordinance shall not be required to obtain a variance from such created nonconformity in order to obtain a building permit.

Zoning District	Use	Min. Lot Area (sq. ft.)	Lot Area Per Family (sq. ft.)	Min. Lot Width (ft.) (4)	Max. Bldg./Lot Coverage	Setback Requirements (ft.)				Max. Height*	
						Front	Interior	Exterior	Rear	Stories	Feet
R-1	All Except Accessory*	6,000	6,000	60'	40%	25'	6'	25'	25'	2.5	35'
R-2A	Duplex	10,000	5,000	100'	30% (1) (9)	40'	10'	25'	20'	2.5	35'
	SF-Detached	6,000	6,000	50'	30% (1) (9)	25'	6'	25'	20'	2.5	35'
	All others Except Accessory*	10,000	-	100'	30% (1) (9)	40'	10'	25'	20'	2.5	35'
R-2	All Except Accessory*	6,000	3,500 (8)	50'	30% (1) (9)	25'	6'	25'	20'	2.5	35'
SR	All Except Accessory*	14,500	14,500	100'	30% (1)	25'	8'	25'	25'	3	42'
HR	Duplex	10,000	5,000	100'	30% (1)	25'	6'	25'	20'	2.5	35'
	SF-Detached	5,000	5,000	50'	30% (1)	25'	6'	25'	20'	2.5	35'
	All others Except Accessory*	5,000	5,000	50'	30% (1)	25'	6'	25'	20'	2.5	35'
MF-1	Multi-Family	10,890	3,630	60'	30% (1)/ 70%	15'	15' (2)	25'	25'	3	35'
	Duplex	7,260	3,630	60'	30% (1)/ 60%	25'	6'	25'	25'	3	35'
	SF-Detached	6,000	6,000	60'	30% (1)/ 60%	25'	6'	25'	25'	3	35'
	Zero Lot Line	4,800	4,800	40'	30% (1)/ 60%	25'	10' / 0' (3)	25'	25'	3	35'
	All others Except Accessory*	6,000	-	60'	30% (1)/ 70%	25'	6'	25'	25'	3	35'
MF-2	Multi-Family	7,260	2,420	60'	30% (1)/ 70%	15'	15' (2)	25'	25'	3	35'
	Duplex	6,000	3,000	60'	30% (1)/ 70%	25'	6'	25'	25'	3	35'

EXHIBIT A

Zoning District	Use	Min. Lot Area (sq. ft.)	Lot Area Per Family (sq. ft.)	Min. Lot Width (ft.) (4)	Max. Bldg./Lot Coverage	Setback Requirements (ft.)				Max. Height*	
						Front	Interior	Exterior	Rear	Stories	Feet
	SF-Detached	6,000	6,000	60'	30% (1)/ 60%	25'	6'	25'	25'	3	35'
	Zero Lot Line	4,000	4,000	40'	30% (1)/ 60%	25'	10'0' (3)	25'	25'	3	35'
	All others Except Accessory*	6,000	-	60'	30% (1)/ 70%	25'	6'	25'	25'	3	35'
MF-3	Multi-Family	6,000	1,815	60'	30% (1)/ 70%	15'	15' (2)	25'	25'	3	35'
	Duplex	6,000	3,000	50'	30% (1)/ 70%	25'	6'	25'	25'	3	35'
	SF-Detached	6,000	6,000	50'	30% (1)/ 60%	25'	6'	25'	25'	3	35'
	Zero Lot Line	4,000	4,000	40'	30% (1)/ 70%	25'	10'0' (3)	25'	25'	3	35'
	All others Except Accessory*	6,000	-	50'	30% (1)/ 70%	25'	6'	25'	25'	3	35'
RMH	MH - Subdivision*	3,800	3,800	38'	30% (1)/ 60%	25'	5'	20'	15'	1	15'
	MH - Park*	2 ac.	3,800 (5)	38' (6)	30% (1)/ 60%	20' (7)	10' (7)	20' (7)	20' (7)	1	15'

*See Article V Special Provisions Conditions Applying to Uses

- (1) The building coverage may be 35% on an exterior or corner lot.
- (2) Interior side yard setbacks shall be no less than fifteen (15) feet or equal to the height of the building (measured from the ground to halfway between the eave and the ridge or to the top of the parapet (wall), whichever is greater.
- (3) On zero lot line structures, one side yard setback must be no less than ten (10) feet, and the other side yard setback must be zero (0) feet. No openings shall be allowed in the wall abutting the zero lot line setback. If two (2) dwellings abut the same zero lot line, a fire wall, as called for by the Building Code is required.
- (4) Corner lots shall be at least seventy-five (75) feet wide at the building line to allow for side street building lines, except for corner lots in mobile home subdivisions, which shall be at least fifty-eight (58) feet wide at the building line.
- (5) Minimum area for each space for each mobile home.
- (6) Minimum width for a mobile home space. Corner mobile home spaces must be a minimum of fifty-tow (52) feet wide at the building line.
- (7) Minimum setbacks from the perimeter property lines of the mobile home park and from the boundaries of each mobile home space.
- (8) The minimum lot area per family may be reduced to 3,125 square feet per family if a conditional use permit to allow this reduction is granted through the conditional use permit procedures established in this ordinance.
- (9) For Conditional Use Permit developments allowing up to twelve (12) dwelling units per acre, single lot, lot coverage may not exceed 60%.

EXHIBIT A

306.4 - LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any commercial or office district in a manner that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table. However, a principal use building or structure may exceed the maximum allowed height and number of stories shown in the table when an additional one (1) foot of additional setback in each required yard is provided for each one (1) foot of additional height. In the C-1 district, each one (1) foot of setback from each lot line will allow one (1) foot of additional height. Any maximum allowed height or number of stories shown in the footnotes shall not be exceeded.

Unless stipulated otherwise elsewhere in this ordinance, a minimum of ten (10) feet shall separate all detached buildings.

In C-1, C-3 and O-1 zones, no street frontage is required for lots, but access must be assured through creation of an access easement no less than twenty-five (25) feet in width and extending from the street right-of-way of a public street to the lot. If street frontage is provided for lots in C-1, C-3 and O-1 zones as a means of access to the lots, each frontage must be no less than thirty-five (35) feet in width and the part of the lot providing access from the street to the remainder of the lot must be no less than thirty-five (35) feet wide at any point. In C-2, O-2 and O-3 zones, each lot shall have a minimum of thirty-five (35) feet of street frontage and the part of the lot providing access from the street to the remainder of the lot must be no less than thirty-five (35) feet in width at any point.

In C-1 zones, there shall be no minimum lot depth. In all other zones in this section, each lot shall have a minimum depth at its shallowest point of one hundred (100) feet with the depth measured at right angles or radial to the centerline of the street line.

In O-1, O-2, and O-3 zones, corner lots shall be at least seventy-five (75) feet wide at the building line to allow for side street building lines.

All accessory buildings except those on the same lot with a single-family residence or a duplex shall meet the same lot regulations as principal buildings.

EXHIBIT A

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Bldg. Coverage	Max. Lot Coverage	Setback Requirements (ft.) (2)(8)(9)					Max. Height*		
					Front (7)	Interior (to Residential District)	Interior (to Nonresidential District)	Exterior	Rear	Stories	Feet	
C-1	None	25'	100%	100%	0'	0'	0'	0'	0'	---	No Limit	
C-2	5,000	50'	35%	70%	15'	12'	5'	15'	10'	2	25'	
C-3	5,000	50'	50%	80%	15'	12'	0'	15'	10'	4 (10)	45'	
O-1	15,000	100'	50%	70%	25'	10'	10'	25'	15'	---	45'	
O-2	7,000	50'	35%	70%	25'	8'	8'	25'	25'	2.5	35' (4)	
O-3 (1)	a	10,000	30%	30%	60%	40'	10'	10'	25'	20'	2.5 (6)	35'
	b	6,000	30% (5)	30% (5)	60%	25'	6'	6'	25'	20'	2.5 (6)	35'

FOOTNOTES: *See Article V Special Provisions Conditions Applying to Uses

- (1) (a) Refers to requirements for duplexes; (b) refers to all others except accessory buildings. For accessory buildings, see Article V Special Provisions Conditions Applying to Uses.
- (2) Anytime a structure is located less than six (6) feet from any lot line, the structure must meet fire district requirements for construction as specified in the Building Code.
- (3) At no time may maximum height exceed seventy-five (75) feet.
- (4) Maximum height at no time shall exceed forty-five (45) feet.
- (5) The lot coverage may be 35% on an exterior or corner lot.
- (6) Maximum number of stories shall not exceed 2.5.
- (7) See Section 524 – Setbacks on Corner Lots
- (8) In the C-1 Central Business District, canopies may project over the street rights-of-way if they terminate no less than two (2) feet horizontally from the outside edge of the street curb and are no less than eight (8) feet above the surface of a new or existing sidewalk.
- (9) No building in the C-1 Central Business District, regardless of the location of the lot lines of the property on which it is to be built, shall be built closer than eight (8) feet from the back of the curb line of any public street abutting the property on which the building is located. This spacing shall be maintained in order to provide adequate space for the required sidewalk to be built along that street frontage.
- (10) Structures within the C-3 zoning district abutting a lot with a single-family or two-family dwelling shall not exceed thirty-five (35) feet in height.

EXHIBIT A

307.3- LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any industrial district in a manner that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district.

A minimum of ten (10) feet shall separate all detached buildings.

In all industrial zones, each lot must have a minimum of fifty (50) feet of street frontage, and a minimum depth at its shallowest point of one hundred (100) feet with the depth measured at right angles or radial to the centerline of the street.

All accessory buildings shall meet the same lot, yard, and height regulations as principal buildings.

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Bldg./Lot Coverage	Setback Requirements (ft.) (3)							Max. Height (2)	
				Front Yard (4)	Side Yard			Rear Yard				
					To Street ROW	To Res. District	To Other Property Lines	To Street ROW	To Res. District (1)	To Non-Res. District (1)	Stories	Feet
I-1	10,000	100'	50%/80%	40'	25'	20'	0'	35'	20'	12'	2.5	35'
RU-1	20,000	100'	40%/70%	50'	25'	20'	0'	25'	20'	12'	2.5	35'
I-3	20,000	100'	40%/80%	25'	15'	50'	0'	50'	50'	12'	6.5	75'

FOOTNOTES:

- (1) Where property abuts a railroad and loading and unloading facilities are utilized, or second siding or spurs, the loading and unloading portions of the structures may be built up to railroad property line.
- (2) A building or structure may exceed the maximum heights shown provided each of its front, side, and rear yards are increased an additional foot for each foot such building exceeds the maximum height.
- (3) If a building is closer than six (6) feet to any property line, it must be built as if it were in the fire district.
- (4) See Section 524 – Setbacks on Corner Lots.

EXHIBIT A

309.3 - LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any agricultural district in a manner that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded as set forth in the following table. However, a building or structure may exceed the maximum allowed height, but not number of stories, when an additional one (1) foot of each yard setback is provided for each one (1) foot of additional height.

A minimum of ten (10) feet shall separate all detached buildings. Each lot must have a minimum of thirty-five (35) feet of street frontage. Each lot must be a minimum of one hundred (100) feet in depth at its shallowest point with the depth measured at right angles or radial to the centerline of the street.

Accessory buildings shall meet the same requirements as principal buildings.

Lot Regulations		Zoning District A-1
Minimum Lot Area (Square Feet)		43,560 (one acre)
Minimum Lot Width at Building Line (Feet)		150'
Maximum Building Coverage (Percent)		30%
Maximum Lot Coverage		50%
Yard Regulations (In Feet)		
Minimum Front Yard		30'
Minimum Side Yard	Interior	10'
	Exterior	30'
Minimum Rear Yard		25'
Height Regulations		
Maximum Number of Feet		35' (1)
Maximum Number of Stories		2.5

FOOTNOTES:

(1) A building or structure may exceed the maximum height shown provided each of its front, side, and rear yards are increased an additional foot for each foot such building exceeds the maximum height.

EXHIBIT A

310.3 - LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any institutional district in a manner that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded as set forth in the following table.

A minimum of twenty (20) feet shall separate all detached buildings.

Each lot must have a minimum of thirty-five (35) feet of street frontage.

Each lot must be a minimum of one hundred (100) feet in depth at its shallowest point with the depth measured at right angles or radial to the centerline of the street.

Accessory buildings shall meet the same requirements as principal buildings.

Lot Regulations		Zoning District S-1
Minimum Lot Area (Square Feet)		43,560 (one acre)
Minimum Lot Width at Building Line (Feet)		150'
Maximum Building Coverage (Percent)		40%
Maximum Lot Coverage		80%
Yard Regulations (In Feet)		
Minimum Front Yard		25'
Minimum Side Yard	Interior	25'
	Exterior	25'
Minimum Rear Yard		25'
Height Regulations		
Maximum Number of Feet		100
Maximum Number of Stories		6

First Reading Only

City of Conway, Arkansas
Ordinance No. O-25-_____

AN ORDINANCE AMENDING THE CONWAY ZONING CODE O-94-54, AS AMENDED FOR THE PURPOSES OF ELIMINATING CONFLICTS BETWEEN ARTICLE IV AND ARTICLE X; SWITCHING THE CONTENTS OF ARTICLE IV WITH THE CONTENTS OF ARTICLE IX FOR EASE OF REFERENCE; PROVIDING FLEXIBILITY IN PARKING REQUIREMENTS; SIMPLIFICATION OF LANGUAGE; AND FOR OTHER PURPOSES :

Whereas, it is desirable to clarify parking and access requirements for both residential and commercial development through simplified regulatory language;

Whereas, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of the City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

Whereas, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on **October 20, 2025**, and adopted the prepared amendments.

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

SECTION 1: That these amendments to the Conway Zoning Code are hereby adopted by reference, and included as exhibit "A" to this ordinance, as Articles IV & IX of O-94-54, as amended and also known as the Conway Zoning Code.

SECTION 2: All ordinances in conflict herewith are repealed to the extent of the conflict. The Planning and Development Director shall be empowered to recodify the Zoning Code as necessary to update the code with the amendments.

Passed this _____ day of _____, 2025.

Approved:

**_____
Mayor Bart Castleberry**

Attest:

**_____
Denise Hurd
City Clerk/Treasurer**

ARTICLE IV. MOVING OF BUILDINGS

SECTION 401 – PERMIT REQUIRED

It is hereby declared unlawful for any person, persons, firm, company, or corporation to move any building in the City of Conway from one place to another upon the same lot, or from one place in the city to another place in the city not upon the same lot, or from without the city into the city, without first securing a permit to do so from the City Council.

However, the Designated Agent of the Mayor may grant a building permit for a “portable” building if said building or structure meets the following criteria, and other requirements of this ordinance.

A portable building as used in this section of this ordinance shall mean any building or structure not designed for full time occupancy, with no sleeping quarters and no installed electrical wiring or receptacles and no plumbing facilities and so designed as to be transported after fabrication, arriving at the site of location as a fully assembled structure not more than one hundred sixty (160) square feet in area and not more than sixteen (16) feet in its greatest dimension.

Such building shall be deemed an “Accessory Building” and will be subject to the conditions applying to uses in Section 502 of the Zoning Ordinance. Such building shall further comply with all requirements set forth in this ordinance for the zoning district into which said building or structure is placed.

However, the Mayor and Designated Agent may grant a ninety (90) day permit to locate a temporary or portable building or office within the City of Conway. However, the provisions of Section 902 – Applications do not apply to this ninety (90) day permit, but application for such permit shall be made direct to Designated Agent and Mayor for approval and issuance of permit.

SECTION 402 – APPLICATIONS

All applications for a relocation permit to move any building shall be made in writing to the Designated Agent, not less than seventeen (17) days prior to the required public hearing, on a form furnished by said Agent, and shall contain the following information:

- A. Description of type of building to be moved.
- B. Present location of building.
- C. Proposed location of building.
- D. Present and future use of the building.
- E. Route over which said building is to be moved and method to be used in moving said building.
- F. Photographs of the building or structure to be moved and photographs of the buildings on the properties contiguous with the premises onto which the building or structure is to be moved.

EXHIBIT A

- G. A report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation.
- H. Such other information as may reasonably be required in order to carry out the purposes of this Section.

If, upon review of the application, the Designated Agent can reasonably determine that the building or structure meets requirements of a portable building as defined in this ordinance, then a building permit may be granted and no building moving fee will be charged. If this determination cannot be made by the Designated Agent, the application will be forwarded to the City Planning Commission for action as set out in this ordinance for the moving of other buildings and structures.

SECTION 403 – FEES

Before any application for a relocation permit is forwarded to the City Planning Commission an application fee shall be paid by the applicant to the Designated Agent to cover the cost of investigation and inspection. The application fee shall be three hundred twenty-five dollars (\$325.00) for any building located within the City of Conway. For any building located outside the City of Conway, the application fee shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable. This application fee shall be in addition to all other fees required by the City Code of the City of Conway.

Upon acceptance of any application for a relocation permit, the Planning Commission will cause to be inspected the building or structure proposed to be moved, the district into which the building is to be moved, and the premises onto which the building is to be moved.

SECTION 404 – NOTICE OF HEARING

The Planning Commission shall cause the applicant to post, fifteen (15) days prior to the date on which application for a permit is to be heard, a notice upon a sign upon the property to which said building is to be moved, which said notice shall contain the following:

- A. The date on which the Planning Commission of Conway shall hold a hearing on the application for a permit to move a building.
- B. Description of type of building to be moved.
- C. Present location of building.
- D. Proposed location of building.

The sign shall be clearly visible, unobstructed to the passing general public and posted on or near the front property line. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned.

The applicant must file a legal notice in regard to the building moving which must run in the local newspaper at least once no later than fifteen (15) days prior to the public hearing. This public notice must include the present location of the building to be moved, the location (including legal description and address (if no address is available, a description which is clear to the average lay

EXHIBIT A

person will suffice)), the type building to be moved, the proposed use of the building and the time, date and place of the public hearing.

SECTION 405 – HEARING

At the time of the scheduled public hearing, any person may appear before the Planning Commission of the City of Conway and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application for a permit, the Planning Commission of Conway shall approve or disapprove of the application.

Following disapproval of a proposed building moving permit request by the Planning Commission, the petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission's findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the request. A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place.

The City Council of the City of Conway may in its discretion either grant or deny the application for a permit, and may attach any conditions to said permit deemed necessary by said council.

SECTION 406 – PERMIT CONDITIONS

No permit shall be issued to relocate any building or structure which is so constructed or in such condition as to be dangerous or which is unsanitary; or which if it be a dwelling or habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district into which the building is to be relocated; or, if the proposed use is prohibited by any provision of the City Code or by any other law or ordinance; provided, however, that if the conditions of the building or structure in the judgment of the building inspector admits of practicable and effective repair, the permit may be issued on such terms and conditions as the building inspector may deem reasonable and proper including but not limited to the requirement of changes, alterations, additions, or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to the public welfare or to the property and improvements, or either, in the district into which it is to be moved.

The terms and conditions upon which each permit is granted shall be written upon the permit or appended in writing thereto. Said terms and conditions and the relocation bond shall provide for the removal of all concrete, lumber, and other debris and the filling of basements, cellars, or other excavations remaining from the removal of the building or structure from the premises from which it is moved when such premises are within the City of Conway.

After a building moving permit is secured, a building permit must be sought and granted prior to movement of the building.

SECTION 407 – REMOVAL CLEANUP

EXHIBIT A

When a building or structure is moved from any property located in the City to any other location, the site from which the building is moved shall be cleaned of all concrete, lumber, and other debris remaining from the removal of the building and all basements, cellars, and other excavations shall be filled. Such work shall be performed by the person moving such building or structure.

SECTION 408 – DENIAL OF PERMIT – GROUNDS

If the unlawful, dangerous, or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the relocation permit shall be denied.

SECTION 409 – BOND DAMAGE TO STREETS OR PROPERTY

In granting any permit, the council may in its discretion require applicant to give a bond to the City of Conway in an amount to be fixed by said council to ensure payment for any damage which applicant may cause to any public property, streets, sidewalks, trees or shrubs in the moving of any building.

SECTION 410 – EXEMPTIONS

All buildings meeting the criteria for a portable building are exempt from the requirements of this article. However, all such buildings shall be required to obtain a building permit and all other required permits and undergo and pass all inspections as required by ordinances or rules, regulations or codes.

All buildings specifically designed and built to be transported over public roads are exempt from the requirements of this article. However, a building permit must be obtained prior to movement of the building and all building codes (including electrical, mechanical and all other relevant codes) must be met and the building must be inspected for compliance with those codes prior to final placement of the building on the parcel of land. Furthermore, the permitting and inspecting department may require a report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation if it is deemed necessary. If the report is unsatisfactory, the building may be refused a building permit or any building permit that may have been issued may be voided.

ARTICLE IX. OFF-STREET PARKING AND ACCESS MANAGEMENT

SECTION 901 – APPLICATION

Except where special district or use regulations establish different or less restrictive requirements, off-street parking and loading areas shall be required for all uses in all zoning districts, except the C-1: Central Business District. Off-street parking and loading areas shall be required to meet the standards of this Article when one of following occurs:

- A. Construction of one (1) or more main buildings on a lot,
- B. The addition of or a change to the vehicular access to or within a site,
- C. An off-street parking or loading area is expanded,
- D. Any addition/expansion of an existing main building,
- E. The conversion of a main building intended for residential use to a nonresidential use,
- F. A use is established which adds a drive-through to a site where one does not exist
- G. Loading areas shall be addressed for the establishment of any use where material or merchandise is received or distributed by commercial vehicles.

SECTION 902 – ESTABLISHMENT OF PARKING

EXHIBIT A

902.1 - GENERAL REQUIREMENTS

Once established, required off-street parking and loading areas shall meet all the requirements of this Article and shall not be diminished in number or reduced in size below the requirements for its attached use or official approval. Off-street parking and loading areas shall be located on the same property or lot as its attached use or main building, unless subject to an allowed shared parking agreement.

902.2 - ESTABLISHMENT

Off-street parking and loading areas shall be considered to be established when paved and marked for use or when used on a permanent basis. A permanent basis shall be considered once (1) per seven (7) days for a period of at least thirty (30) days or as evidenced by signs of consistent use for parking by creation of barren spot on the ground or presence of a graveled surface. Parking areas not considered permanent shall not be subject to the requirements of this Article.

SECTION 903 - NUMBER OF REQUIRED OFF-STREET PARKING SPACES

903.1 - NON-RESIDENTIAL STANDARDS

Off-street parking shall be established for individual sites and developments based on need. The following table establishes guidelines for the minimum number of off-street parking spaces required by general use types and are meant to serve as a general guide to property owners. In consultation with the property owner, the Administrative Official may allow a reduced minimum or increased maximum number of off-street parking spaces by written justification from the property owner.

Use	Minimum	Maximum
Lodging	1.0 spaces per lodging room	1.1 spaces per lodging room
Office/Institution	2.8 spaces per 1,000 ft ²	4.2 spaces per 1,000 ft ²
Retail/General Business	3.4 spaces per 1,000 ft ²	4.8 spaces per 1,000 ft ²
Restaurant	9 spaces per 1,000 ft ²	12 spaces per 1,000 ft ²
Industry	0.6 spaces per 1,000 ft ²	1.8 spaces per 1,000 ft ²

903.2 -RESIDENTIAL STANDARDS

The following table establishes standards for the minimum number of off-street parking spaces required for residential uses. On-street parking directly abutting and adjacent to the property line of a property may be counted toward meeting these requirements. These standards may only be altered for an individual property by approval of a variance in accord with § 704.

Use	Minimum	Maximum
Single-Family Dwelling	2.0 spaces per dwelling unit	N/A
Two-Family Dwelling	2.0 spaces per dwelling unit	N/A
Multi-Family Dwelling	1.5 spaces per dwelling unit	4.0 spaces per dwelling unit
Accessory Dwelling Unit	N/A	N/A

EXHIBIT A

903.3 -ADA STANDARDS

All nonresidential uses with parking and multi-family uses shall be required to provide off-street parking accessible for people with disabilities designed in accordance with the Americans with Disabilities Act Accessibility Standards.

Number of Parking Spaces	Accessible Spaces	Van Spaces
1 -25	0	1
26 - 50	1	1
51 - 75	2	1
76 - 100	3	1
101 - 150	4	1
151 - 200	5	1
201 - 300	5	2
301 - 400	6	2
401 - 500	7	2
501 - 1,000	2% of total	1 for each 6 accessible spaces
Over 1,000	20 + 1 space each 100 over 1,000	1 for each 6 accessible spaces

SECTION 904 - OFF-STREET PARKING DESIGN STANDARDS

The following shall apply to off-street parking areas established with more than five (5) parking spaces.

904.1 - ORIENTATION AND LOCATION

- A. Parking areas located in the front setback or between the main building and any public street are to be avoided. No more than one (1) parking drive aisle may be allowed in such areas except when site conditions or development size make this requirement infeasible in the determination of the Administrative Official.
- B. Continuous access, head-in parking directly accessing from a public street or a fire apparatus road used as access to a property is not permitted as off-street parking.
- C. Parking areas must be located on the same lot of record/property as the use to which it supports, unless subject to a parking agreement, approved and signed by the Administrative Official, filed and recorded with the Faulkner County Clerk

904.2 - DESIGN

- A. Parking and internal circulation areas shall be designed to comply with the requirements of the Arkansas Fire Prevention Code.
- B. No parking drive aisle may extend a length of more than two-hundred fifty (250) feet without being disrupted by an internal circulation drive without parking spaces directly

EXHIBIT A

accessing from it. Such internal circulation drive shall be well defined in a manner to indicate its purpose.

904.3 – PARKING SPACE DIMENSIONAL STANDARDS

	Width	Depth	Parking Drive Aisle/Maneuvering Area
Parallel	22'	8'	12'
45° (One Way)	9'	18'	12'-18'
60° (One Way)	9'	18'	18'
60° (Two Way)	9'	18'	24'
Ninety Degree Angle or Right Angle	9'	20'	24'

904.4 – PEDESTRIAN CIRCULATION

- A. A continuous pedestrian connection between the sidewalk along the primary street frontage and primary entrance to the main building on the lot shall be required in the form of sidewalks and paved pathways through the parking lot.
- B. Pedestrian connections shall provide an unobstructed area of at least five (5) feet in width. Where right angle parking is placed directly adjacent to the pedestrian connection, concrete or rubber wheel stops or curbing shall be used to protect from intrusion of vehicles into the pedestrian connection.
- C. Crosswalk striping shall be required in all locations in which sidewalk or paved pathways require a pedestrian to cross an area of vehicular traffic.

SECTION 905 – OFF-STREET PAVING STANDARDS

905.1 – AREAS ACCESSIBLE TO THE PUBLIC

- A. Off-street parking areas accessible to the public shall be considered those areas which can be accessed by the public or used for parking by customers/employees. Such areas are typically not secured by a fence during normal business hours.
- B. Such parking areas shall be graded and provide adequate drainage infrastructure to prevent the pooling and storage of water on the parking area.
- C. Such parking areas shall be paved with a sealed surface such as asphalt or concrete with curb and gutter at the edge of all paving. Sealed surfaces for all uses except single-family dwellings must be able to support an imposed load of at least seventy-five thousand (75,000) pounds.
- D. Upon approval of the City Engineer and in accordance with accepted engineering standards or the adopted LID standards of another Arkansas municipality, Low Impact Development (LID) techniques may be used in parking lot surfacing as an alternative to the paving and curbing requirements.

EXHIBIT A

- E. The following are excluded from these requirements:
 1. Areas that are used for the parking and storage of large equipment which could damage the parking surface.
 2. Single-family dwellings with a building line greater than seventy-five (75) feet from the front property line and driveway length of at least seventy (70) feet.

905.2 - AREAS NOT ACCESSIBLE TO THE PUBLIC

- A. Off-street parking areas not accessible to the public shall be considered those areas which cannot be accessed by the public, used for storage, and secured by a fence.
- B. Such areas shall be graded and provide adequate drainage infrastructure to prevent the pooling and storage of water on the parking area.
- C. Such areas shall be covered or a dust-free surface able to support an imposed load of at least seventy-five thousand (75,000) pounds.

905.3 - PARKING IN EXCESS OF THE MAXIMUM PARKING STANDARDS

Off-street parking areas provided in excess of the maximum parking standards shall be required to use LID techniques such as porous paving, rain gardens, etc. for paving and curbing. Such techniques shall require approval of the City Engineer and be in accordance with accepted engineering standards or the adopted LID standards of another Arkansas municipality.

SECTION 906 - SHARED PARKING AGREEMENTS

Shared parking agreements may be used to meet the off-street parking requirements of this Article. Shared parking agreements and shared off-street parking must meet the following:

- A. Shall be within three hundred (300) feet of the supporting uses.
- B. Shall be accessible with a pedestrian path.
- C. Shall not require a pedestrian to cross a collector or minor/major arterial.
- D. Shall be guaranteed by and subject to a legally binding agreement that provides for use of the parking for the lifespan of the use or building regardless of owner or successor and be filed with the Faulkner County Clerk.

SECTION 907 - DRIVEWAY AND ACCESS MANAGEMENT STANDARDS

The requirements of this Section shall apply in addition to any separate regulations or access management plan/agreement. Where conflicts occur, the more stringent shall apply.

In order to allow for the orderly flow of traffic and promote road safety as well as help reduce crashes between vehicles, pedestrians, and cyclists, the following standards apply:

EXHIBIT A

907.1 - DRIVEWAYS FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS

The following shall apply to driveways for single-family and two-family dwellings:

A. Width

Driveways shall not exceed twenty-four (24) feet in width, except where the main building is placed less than fifty (50) feet from the front property line or projected edge of the Master Transportation Plan right-of-way, whichever is greater.

B. Paving

1. Paving with a sealed surface such as asphalt or concrete shall be required for any driveway less than fifty (50) feet in length. Ribbon driveways may be used to meet this requirement.
2. Any portion of a driveway that exceeds fifty (50) feet from the front property line may be finished with a dust-free hard surface such as compacted gravel.

C. Driveway Aprons

Driveway aprons shall be constructed in a manner consistent with the Conway Standard Details for Roadway & Drainage Construction.

907.2 - DRIVEWAYS/ACCESS MANAGEMENT FOR MULTI-FAMILY AND NONRESIDENTIAL USES

The following shall apply to driveways for multi-family dwellings and nonresidential uses:

A. General Requirements

1. Width: Driveways shall be a minimum of twelve (12) feet in width and not exceed forty (40) feet in width. A driveway less than twenty (20) feet in width may only be used for one-way traffic.
2. Paving: Paving shall meet the requirements of § 905.1.
3. Driveway Aprons: Driveway aprons shall be constructed in a manner consistent with the Conway Standard Details for Roadway & Drainage Construction.

B. Access Management

Access to roadways shall be managed based on the following standards:

1. General Requirements:
 - a. Measurement: Distances for these requirements shall be measured from curb return to curb return.

EXHIBIT A

- b. Intersections: Accesses with left-turns shall not be permitted within the operational area of a signalized intersection or roundabout. The operational area shall be considered to extend the full length of dedicated turn-lanes supporting the signalized intersection or roundabout.
- c. Alignment: Where technically feasible, accesses must align with existing or planned median openings and/or accesses on the opposite side of the roadway.
- d. Guarantee of Access: None of the requirements of this Section shall be applied in a manner that would prevent a property from access to at least one (1) public street. Where literal application of the requirements of this Section would preclude such condition, the Administrative Official shall make provision for such access in a manner most consistent with the requirement of this Section, as possible.

2. Major Arterials:

- a. Distance between connections: Driveways shall be placed at least two hundred fifty (250) feet from other driveways or intersection, as measured from curb return to curb return.
- b. Distance to property line: No driveway may be placed within one hundred twenty-five (125) feet of a property line adjoining another property, unless placed at the property line and subject to a joint access agreement.
- c. Joint access requirements: Properties with less than three hundred (300) feet of street frontage along a major arterial shall be required to have joint access with an adjoining property.
- d. Limitations: Properties abutting two (2) public streets or a public street and an access easement shall derive access from the public street of lower classification or access easement, unless the property has at least two hundred fifty (250) feet or more of street frontage along the major arterial.

3. Minor Arterials/Collectors:

- A. Distance between connections: Driveways shall be placed at least one hundred (100) feet from other driveways and at least one hundred fifty (150) feet from an intersection, as measured from curb return to curb return.
- B. Distance to property line: No driveway may be placed within fifty feet (50) feet of a property line adjoining another property, unless placed at the property line and subject to a joint access agreement.
- C. Joint access requirements: Properties with less than two hundred forty (240) feet of street frontage along a minor arterial/collector shall be required to have joint access with an adjoining property.
- D. Limitations: Properties abutting two (2) public streets or a public street and an access easement shall derive access from the public street of lower

EXHIBIT A

classification or access easement, unless the property has at least two hundred (200) feet or more of street frontage along the minor arterial/collector.

C. Joint Access

Where joint access is required, the following shall apply:

1. An access easement shall be required for the joint access. The access easement shall be drafted in a manner to allow access to the adjoining property intended to be served by the joint access. Such easement shall be reflected on the plat for the property or may be filed separately with the Faulkner County Clerk.
2. The joint access shall be placed on the shared property line with the adjoining property. If such arrangement is infeasible, the joint access shall be as close to the adjoining property as is technically feasible.

D. Cross Access

1. All off-street parking lots, excluding those for residential use, shall be required to have at least one (1) vehicular connection to all adjacent properties except where topography/grading makes such connection infeasible.
2. Cross access shall be achieved by making a stub out to adjacent undeveloped property, connecting to an already developed adjacent property with no stub outs, or connecting to an existing stub out from an adjacent property.
3. Stub outs shall be at least twenty (20) feet in width and be designed in a manner to make it apparent that the stub out is intended to be used a drive aisle.
4. An access easement shall be required for the cross access. The access easement shall be drafted in a manner to allow access to the adjoining property intended to be served by the cross access. Such easement shall be reflected on the plat for the property or may be filed separately with the Faulkner County Clerk.

SECTION 908 – OFF-STREET LOADING

Adequate off-street loading areas shall be provided for all uses where material or merchandise is received or delivered by a commercial vehicle. Off-street loading shall be designed and arranged in a manner to not require use of an adjacent public street or publicly accessible fire apparatus road for loading or impede the circulation of traffic on the site.

First Reading Only

City of Conway, Arkansas
Ordinance No. O-25-_____

AN ORDINANCE AMENDING THE CONWAY ZONING CODE O-94-54, AS AMENDED FOR THE PURPOSES OF CLARIFYING SITE DEVELOPMENT REVIEW SCOPE, PROCESS AND FEE SCHEDULE; PROVIDING FLEXIBILITY AND DIVERSITY IN BUILDING MATERIAL REQUIREMENTS; SIMPLIFY LANGUAGE; AND FOR OTHER PURPOSES:

Whereas, it is desirable to provide flexibility, efficiency and transparency for projects undergoing Site Development Review;

Whereas, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of the City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

Whereas, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on **October 20, 2025**, and adopted the prepared amendments.

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

SECTION 1: That these amendments to the Conway Zoning Code are hereby adopted by reference, and included as exhibit "A" to this ordinance, as Article X of O-94-54, as amended and also known as the Conway Zoning Code.

SECTION 2: All ordinances in conflict herewith are repealed to the extent of the conflict. The Planning and Development Director shall be empowered to recodify the Zoning Code as necessary to update the code with the amendments.

PASSED this _____, 2025.

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer

EXHIBIT A

ARTICLE X. DEVELOPMENT REVIEW

SECTION 1001 – PURPOSE

The purpose of the Development Review process in the City of Conway is:

- A. To preserve and enhance the general quality of life of the residents and visitors of the City of Conway,
- B. To take those steps necessary to allow, where desirable, the responsible, productive, and harmonious existence of varying land uses in close proximity to one another,
- C. To maintain and enhance the capabilities of vehicle, cyclist, and pedestrian traffic on avenues adjacent to or serving the site by providing appropriate and adequate access to adjoining properties,
- D. To ensure developments occur in a manner that protects the health, safety, and welfare of the public,
- E. To make certain developments are built in a way that is consistent with municipally adopted plans,
- F. To ensure developments comply with the provisions of the Conway Zoning Code, Conway Subdivision Regulations, and other applicable federal, state, and municipal regulations.

SECTION 1002 – SCOPE

1002.1 – APPLICATION OF REGULATIONS

Development Review shall apply to any of the following forms of development:

- A. Construction of one (1) or more main buildings on a lot,
- B. The addition of or a change to the vehicular access to or within a site,
- C. Any addition/expansion of pervious or impervious surfaces as well as gravel areas on a site,
- D. Any addition/expansion of an existing main building,
- E. The addition of an accessory structure over one hundred (100) square feet on a site where Development Review is otherwise applicable,
- F. The conversion of a main building intended for residential use to a nonresidential use.
- G. The conversion of a main building from one Occupancy Group to another Occupancy Group, as designated in the Arkansas Fire Prevention Code, Volume II – Building. Such conversion only applies when the change in Occupancy Group necessitates changes to the site outside the building.

1002.2 – EXEMPTIONS

The following forms of development shall be exempt from the requirements of Development Review:

- A. Construction, addition, or alteration of one single-family or two-family dwelling for residential use on a single lot,

EXHIBIT A

- B. Construction, addition, or alteration of an Accessory Dwelling Unit,
- C. Construction of an accessory structure associated with a residential use,
- D. Construction of an accessory structure less than one hundred (100) square feet in size associated with any use.

1002.3 - SMALL-SCALE AND LARGE-SCALE DEVELOPMENT

Developments shall either be considered a small-scale development (SSD) or a large-scale development (LSD). Development shall be considered large-scale development unless meeting any of the following criteria for small-scale development, as applicable:

- A. Construction of a main building less than one thousand (1,000) square feet in size on a site with a site disturbance of less than one-half (1/2) acre in area.
- B. Site improvements or alterations that result in a site disturbance of less than one-half (1/2) acre in area.
- C. Main building additions/expansions less than seven hundred fifty (750) square feet or less than fifteen percent (15%) of the size of the existing main building, which are on a site with a site disturbance of less than one-half (1/2) acre in area.

Site disturbance shall mean any type of soil disturbance due to any site improvements.

1002.4 - SCOPE OF COMPLIANCE

The following shall govern the applicability of requirements related to Development Review Applications. The table indicates either full compliance or partial compliance with the relevant portion of this Code and others. Full compliance shall mean the application must meet all requirements. Partial compliance shall mean only those portions of the development which are new improvements or otherwise improved as a result of the application shall meet all requirements. If a code section or requirement is not referenced, it shall mean full compliance with the requirement is required unless other provisions apply.

Note: Any Development Review Application which qualifies as an SSD shall not require drainage detention/retention. In situations which not covered by the table below, a determination of required compliance will be made by the Administrative Official.

Development Type	Requirement							
	Article 9 Parking	§1004.2 Building	§1004.3 Mech. Screening	§1004.4 Trash	§1004.5 Land- scaping	§1004.7 Lighting	§1004.9 Sidewalks	Storm Water
New Construction	FC	FC	FC	FC	FC	FC	R	FC
Exp. up 30% of Existing Building	PC	PC	FC	FC	PC	PC	N	PC

EXHIBIT A

Development Type	Requirement F = Full Compliance, P = Partial Compliance, N = Not Required, R = Required							
	Article 9 Parking	§1004.2 Building	§1004.3 Mech. Screening	§1004.4 Trash	§1004.5 Land- scaping	§1004.7 Lighting	§1004.9 Sidewalks	Storm Water
Exp. 31-50% of Existing Building	PC	PC	FC	FC	FC	PC	N	FC
Expansion over 50% of Existing Building	FC	FC	FC	FC	FC	PC	R	FC
Interior Remodel	N	N	N	N	N	N	N	N
Exterior Remodel	N	PC	FC	N	N	PC	N	N
Conversion of Building from Residential to Non-residential Use	FC	PC	FC	FC	FC	FC	FC	FC
Change of Use w/out Change in Occupancy Group (AFPC)	N	N	N	N	N	N	N	N
Parking Addition up to 50% of Existing Parking	PC	N	N	FC	PC	PC	N	PC
Parking Addition >50% of Existing Parking	FC	N	N	FC	FC	FC	R	FC
Addition to/Change of Vehicular Access	N	N	N	N	PC	PC	N	N

SECTION 1003 - APPLICATION, REVIEW, AND APPROVAL

1003.1 - OVERVIEW

The following subsections detail the review procedures and process for Development Review. Review is generally conducted administratively by City and Conway Corporation staff across multiple departments. Review is conducted to determine compliance with all applicable regulations and plans. These include, but are not limited to, the Conway Zoning Code, Conway Subdivision Regulations,

EXHIBIT A

Conway Drainage Criteria Manual, Stormwater Management Ordinance, Master Transportation Plan, Comprehensive Plan, etc.

1003.2 – PREAPPLICATION CONFERENCE

Prior to submission of an application for Development Review, an applicant shall be required to meet with the Administrative Official to discuss their proposed development to solicit non-binding feedback on issues or concerns related to the proposed development.

1003.3 – APPLICATION

An application for Development Review may only be made by the property owner/authorized agent. The application shall be made by means provided by the City of Conway. No application shall be accepted and processed without all required materials and payment of fees. Fees shall be determined by a fee schedule adopted by the City Council. The Administrative Official shall develop and maintain an application checklist for all elements to be included with the required plans for an application. Such checklist, along with an application guide, shall be electronically published for public access.

The application shall include at least the following information:

Required Materials for Application X = Required, O = Required upon Determination of Administrative Official	SSD	LSD
Application Information	X	X
Cover Letter with Development Description	X	X
Property Owner/Authorized Agent Form	X	X
Required Fee	X	X
Copy of Filed Plat for Property (unless concurrent subdivision application is filed for review)	X	X
Dimensioned Site Plan	X	X
Grading Plan	X	X
Drainage Plan	X	X
Drainage Calculations and Report		X
Stormwater Pollution Prevention Plan		X
Landscaping Plan	X	X
Grid Photometric Plot		X
Architectural Elevations	X	X
Utility Request Form	X	X
Traffic Impact Analysis (as required by the Administrative Official)	O	O
Supporting Documentation (as required by the Administrative Official)	O	O

1003.4 – REVIEW PROCEDURE

The following procedure shall govern review of Development Review applications:

EXHIBIT A

A. Completed Application

Within five (5) business days following the filing of a Development Review application, the Administrative Official shall conduct a completeness check of the application to determine if all required materials for an application have been submitted for acceptance, including the required fee. An application shall not be accepted and processed until all required application materials are submitted. If the Administrative Official determines the application is not completed, they shall provide written or electronic notice to the applicant indicating the documents or requirements necessary to complete the application.

B. Notice of Intent to Review

If the Administrative Official determines the Development Review application is complete, one of the following shall occur:

1. Local Fast-Track Review Process: If the applicant has opted out of application of the statutory review process, the Administrative Official shall commence review of the application.
2. Statutory Review Process: If applicant has not opted out of application of the statutory review process, the provisions of ACA § 14-1-504 through 506 shall apply instead of the provisions of Paragraph C and D of this subsection. The Administrative Official shall provide written or electronic notice to the applicant indicating the Administrative Official can provide review of the application within sixty (60) days. If the applicant does not respond or elect review made available under ACA § 14-1-504 within three (3) business days of the Administrative Official providing notice, review by the Administrative Official shall commence.

C. Administrative Review

1. Review Distribution: The Administrative Official shall distribute the Development Review application for review by the appropriate departments of the City of Conway and Conway Corporation. The Administrative Official shall develop and maintain a list of the departments responsible for review within the application guide.
2. Review Standards: Applications shall be reviewed for compliance with the provisions and standards of this Code, the Conway Subdivision Regulations, Conway Master Transportation Plan, Conway Comprehensive Plan, other adopted municipal plans, Arkansas Fire Prevention Code, all applicable City ordinances, adopted Conway Corporation standards, and generally accepted best practices of site development relating to the placement of buildings, landscaping, drainage, parking, vehicular access, and pedestrian access.
3. Review Period and Comments: The formal product of review shall be written comments produced by the Administrative Official, reviewing City departments, and Conway Corporation. Review shall be conducted and review comments provided to the applicant by written or electronic means by the Administrative Official within fifteen (15) business days of the acceptance of a completed application.

D. Applicant Resubmission

1. Following receipt of review comments, the applicant shall address the review comments or withdraw the application. Upon addressing the review comments, the applicant shall resubmit to the Administrative Official the necessary materials to correct the deficiencies in the application by means made available by the City of Conway. If no resubmission is received by the Administrative Official within ninety (90) days of the written or electronic notice of review comments, the application shall be considered withdrawn and automatically denied.

EXHIBIT A

2. The applicant may request an extension of review by written or electronic means before the ninety (90) day resubmission period ends. Such request shall indicate the length of the extension period requested by the applicant, which shall not exceed an additional ninety (90) days. Only one (1) such extension may be granted to the applicant for the Development Review application.
3. Upon resubmission, the Administrative Official shall review the application in accordance with Paragraph C of this subsection.

1003.5 – APPROVAL

The following shall govern approval of Development Review applications.

A. Finding of Approval

A Development Review application shall not be approved unless the following have been determined by the approving authority:

1. The Development Review application conforms to all applicable adopted plans, regulations, ordinances, and standards.
2. The Development Review application conforms to the provision of this Code.
3. The Development Review application will not result in off-site improvement costs to the City unless confirmed by written agreement between the City and the developer.
4. All utilities or proposed utility improvements are adequate to handle the demand to be created by the Development Review application.

B. Approval

The Administrative Official shall have authority to approve Development Review applications.

Approval may only be granted upon the Administrative Official making a finding of approval, after all review comments have been adequately addressed, and any requested waivers have been addressed.

C. Denial and Appeal

1. Denial: The Administrative Official shall deny any application for which a finding of approval cannot be made. Within fifteen (15) days of denial, the Administrative Official shall provide written or electronic notice to the applicant stating the reasons for denial of the application.
2. Appeal: The applicant may appeal the denial of a Development Review application by the Administrative Official within thirty (30) days of written or electronic notice being issued by the Administrative Official. Application shall be made in the manner provided in § 703.1. Appeal shall be made to the City Council and shall be heard by the City Council within sixty (60) days of the appeal application being filed. The Administrative Official shall prepare a written report detailing why a denial decision was made. The written report shall be provided to the applicant at least seven (7) days prior to the appeal being heard by the City Council. The City Council shall not reverse a decision of denial by the Administrative Official unless a finding of approval can be made in accordance with Paragraph A of this subsection. Action by the City Council shall be considered final and shall only be appealable to a court of appropriate jurisdiction.

1003.6 – EFFECT OF APPROVAL AND PERMITTING

EXHIBIT A

A. Effect of Approval

Approval of a Development Review application shall not be effective until execution of the Certificate of Development Review Approval by the Administrative Official. Such action shall have the effect of allowing the applicant to commence construction of site improvements for the development and seek building permits for the construction of buildings on the site.

1. A building permit application shall not be accepted on a site subject to Development Review unless authorized by the Administrative Official on a finding that the proposed building elevations meet the requirements of § 1004.2 and the location of the building(s) on the site are not likely to change based upon the current status of review of the Development Review application.
2. No building permit shall be issued for any building on a site subject to Development Review prior to approval of a Development Review application.
3. Certificate of Development Review Approval

Under the authority of the Conway Zoning Code, this development has been given approval by the City of Conway, Arkansas. This document is hereby accepted and this certificate executed under the authority of such regulations by the Administrative Official.

Date of execution: _____

Conditions of Approval: _____

Administrative Official Approval: _____

Director of Planning and Development

B. Expiration of Approval

Approval of a Development Review application shall expire two (2) years from the date of execution of a Certificate of Development Review Approval by the Administrative Official. Building permits must be obtained prior to expiration of approval and the development must be completed within two (2) years after building permits are obtained. The applicant may request in writing or electronically an extension of approval for the Development Review application from the Administrative Official. The Administrative Official may extend approval of a Development Review application for up to two (2) years from the original date of expiration.

C. Post Approval Changes

Changes to an approved Development Review application shall require resubmission of those plans affected by the proposed changes. Review shall be conducted in a manner consistent with § 1003.4. The Administrative Official shall determine, based upon the scope of proposed changes, which departments of the City of Conway and Conway Corporation are required to review the changes. Post approval change reviews shall be subject to a nonrefundable fee as indicated in the Schedule of Fees adopted by the City Council. The fee shall be at least two hundred fifty (\$250) dollars.

D. Project Completion

1. Development on a site subject to Development Review shall be completed in a manner consistent with and following the approved Development Review application.

EXHIBIT A

2. Prior to issuance of a Certificate of Completion or a Certificate of Occupancy for improvements on the site, the development shall be inspected by the departments of the City of Conway and Conway Corporation which reviewed the approved Development Review application.
3. No Certificate of Completion or Certificate of Occupancy shall be granted for improvements associated with a development that has not been completed in a manner consistent with and following the approved Development Review application.
4. The Administrative Official may permit the issuance of a Temporary Certificate of Completion or a Temporary Certificate of Occupancy, valid for thirty (30) days, for a site where substantial completion of improvements has occurred; no hazard will be posed to the health, safety, and welfare of the public visiting the site before completion; and where it is reasonable to expect improvements can be completed within thirty (30) days from issuance of the Temporary Certificate of Completion or Temporary Certificate of Occupancy.
5. No Temporary Certificate of Completion or Temporary Certificate of Occupancy may be renewed more than ninety (90) days for an individual development except when issued for delays in the completion of landscaping when outside of a planting season. Failure to complete required improvements within this time frame shall be considered a violation of this code, and result in enforcement action in accordance with § 804.
6. A Temporary Certificate of Completion or a Temporary Certificate of Occupancy may be issued for a portion of a development that is functionally complete and meets all requirements. A Temporary Certificate of Completion or a Temporary Certificate of Occupancy may be extended to other portions of the development as they become functionally complete and meet all requirements. (Example: A multi-building apartment complex may operate under a single Temporary Certificate of Completion or a single Temporary Certificate of Occupancy.) Such Temporary Certificate of Completion or Temporary Certificate of Occupancy shall be renewed monthly through payment of all applicable fees according to the current fee schedule and may be allowed to be in effect for a period no greater than twelve (12) months.

SECTION 1004 – DEVELOPMENT STANDARDS

The following standards shall apply to all sites subject to Development Review:

1004.1 – SITE CHARACTERISTICS AND GENERAL REQUIREMENTS

- A. The development should conform to the extent appropriate to the natural topography of the site. Site clearing shall be kept to the minimum required for the construction of and/or improvements to the site, taking into consideration the need for vehicle, cyclist, and pedestrian safety as well as the need for light and air.
- B. Grading of developments, including hillside excavation, shall adhere to all standards of the Conway Stormwater Management Ordinance.
- C. Projects adjacent to parks, plazas, and other public outdoor amenities should be oriented toward those areas.

EXHIBIT A

- D. Drainage improvements shall meet all requirements of the Conway Drainage Criteria Manual and the Conway Stormwater Management Ordinance.
- E. Natural vegetation should be retained to supplement the required landscaping to the extent required, possible, and reasonable.
- F. The site should be of such a character so that it can be used safely for the construction and occupation of the proposed development and not create any conditions which would involve danger to health, safety, and welfare.
- G. While construction of and/or improvements to the site are in process, noise levels at property boundaries should not exceed the given site's ambient levels except for reasonably short periods of time. Furthermore, the Administrative Official may prescribe specific routes for the ingress and egress of dump trucks, haulers, and other pieces of construction equipment which may otherwise create an adverse impact to the traffic flow along adjacent corridors.

1004.2 - STANDARDS FOR BUILDING DESIGN

The following standards shall apply to all buildings on sites subject to Development Review, excluding those sites which are located within an industrial zoning district and buildings intended for a defined industrial use in a commercial zoning district located within a development largely intended for industrial uses.

A. Façade Types

- 1. Primary Façade: Primary Façade is a building façade which contains a primary building entrance intended for public access and which has a frontage to a public street or publicly accessible fire apparatus lane, including internal streets for a multiple building site.
- 2. Secondary Façade: Secondary Façade is a building façade that does not contain a building entrance intended for public access, but which has a frontage to a public street or publicly accessible fire apparatus lane, including internal streets for a multiple building site. Such façades additionally may include any area that, by internal access, is meant to be accessed by the public such a drive-through lane or stacking area for the same.
- 3. Rear Façade: Rear Façade is any façade that is not intended to be accessed by the public or visible to adjacent property by means of screening or buffering.

B. Facade Characteristics

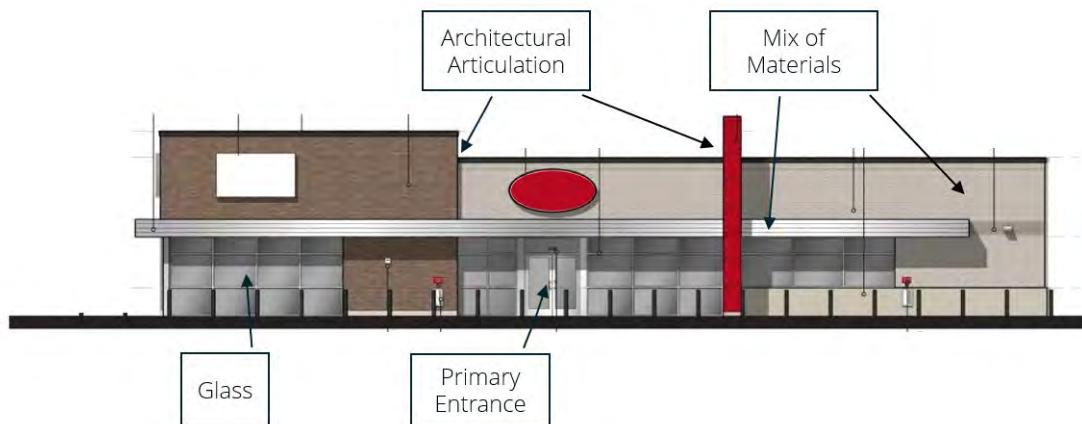
Buildings shall avoid long uninterrupted façade planes and/or blank walls.

- 1. Each building shall designate at least one (1) primary façade.
- 2. Primary building entrances shall not consist solely of an opening in a flat vertical plane but shall be recessed or extended and may be considered an offset to meet or contribute to the architectural articulation requirement.

EXHIBIT A

3. Architectural articulation by way of breaks in the façade plane of building shall be required for primary and secondary facades. Architectural elements must create a noticeable differentiation in depth through recesses, projections, or step-backs of at least one (1) foot. Additionally, the façade must be differentiated through changes to the design of entryways, changes to the roofline, and through the use of differing exterior finish materials and colors.

Building Size	Maximum Uninterrupted Façade Length
20,000 square feet or less	35'
20,001 to 49,999 square feet	50'
50,000 square feet or greater	100'



C. Design Standards

1. Orientation:
 - a. The building façade containing the primary building entrance shall be oriented toward the street of highest classification or principal public realm.
 - b. If this orientation is not practicable, the building façade containing the primary building entrance shall be oriented toward the principal entrance of the development in which it is located.
2. Exterior Building Materials: Exterior building finish materials are categorized into quality classes based on durability, appearance, and sustainability.
 - a. Class 1 materials are considered "very high-quality";
 - b. Class 2 materials are considered "high-quality";

EXHIBIT A

- c. Class 3 materials are considered "standard quality"; and
- d. Class 4 materials are considered "limited use" and should be reserved for trim elements and minor accents.

3. Exterior Building Material Requirements

- a. Primary Façade:
 - 1) At least fifty percent (50%) Class 1 materials, with at least fifteen percent (15%) being glass (windows and doors), and
 - 2) At least twenty percent (20%) Class 2 materials unless Class 1 materials comprise at least sixty percent (60%) of the façade, and
 - 3) Up to thirty percent (30%) Class 3 materials, and
 - 4) Up to ten percent (10%) Class 4 materials.
- b. Secondary Façade:
 - 1) At least thirty percent (30%) Class 1 materials with at least fifteen percent (15%) being glass (windows and doors), and
 - 2) At least thirty percent (30%) Class 2 materials unless Class 1 materials comprise at least fifty percent (50%) of the façade, and
 - 3) Up to thirty percent (30%) Class 3 materials, and
 - 4) Up to ten percent (10%) Class 4 materials.
- c. Rear Façade:
 - 1) At least twenty percent (20%) Class 1 or Class 2 materials, and
 - 2) Up to eighty percent (80%) Class 3 or 4 materials.

EXHIBIT A

SEE NEXT PAGE

4. Exterior Building Materials Table by Material Class.

Material Group	Class 1	Class 2	Class 3	Class 4	Definition
Masonry and Stone Group					
Brick, fired clay	✓				Fired clay or synthetic brick, full-veneer masonry wall system, having an approximate typical unit depth greater than 3"
Brick, thin (fired clay or synthetic); brick panel (fired clay or synthetic)		✓			Thin veneer (fired clay or synthetic) bricks adhered to a wall surface or wall anchoring system, with the appearance of full brick and having an approximate typical unit depth less than 3"; prefabricated panels of thin (fired clay or synthetic) brick adhered to a wall surface or wall anchoring system

EXHIBIT A

Material Group	Class 1	Class 2	Class 3	Class 4	Definition
Stone, natural or synthetic	✓				Genuine or synthetic stone, adhered to wall surface or wall anchoring system
Stone panel, natural or synthetic		✓			Prefabricated panels of genuine or synthetic stone adhered to wall surface or wall anchoring system
Stucco, genuine	✓				Traditional Portland cement-based stucco applied in 3 coats over a solid surface
Concrete Masonry Units Group	Class 1	Class 2	Class 3	Class 4	Definition
Burnished/ground-face, patterned, or shaped block	✓				Concrete modular blocks, smooth finish with large aggregates visible or polished finish and with mortared joints or where face surface has a pattern or shape, not flat and with mortared joints
Split-faced block			✓		Concrete modular blocks, rough, split-faced finish, and with mortared joints
Plain, flat-faced block (painted)				✓	Concrete modular blocks, plain, flat finish, and with mortared joints
Metal Group	Class 1	Class 2	Class 3	Class 4	Definition
Architectural quality, composite metal wall panel systems	✓				High-quality insulated metal panels for decorative surface application, such as Alucobond® panel systems
Architectural quality metal wall panel systems, concealed fastening	✓				High-quality metal panels for decorative surface application with concealed fasteners, such as Elevate (formerly Firestone) Delta
Architectural quality metal wall panel systems, exposed fastening			✓		High-quality metal panels for decorative surface application with exposed fasteners, such as Elevate (formerly Firestone) Omega
Metal (panels, siding, and trim)				✓	Standard metal siding and panels, painted or coated for exterior application
Glass Group	Class 1	Class 2	Class 3	Class 4	Definition
Clear glass (windows, curtain walls, paneling systems)	✓				Clear glass with no visible tint, reflective coating, coloring, or other covering (not including low-e or UV coatings or treatments)
Glass Block	✓				Hollow translucent block of varying shapes and sizes made entirely from glass; also known as glass brick.

EXHIBIT A

Material Group	Class 1	Class 2	Class 3	Class 4	Definition
Spandrel glass		✓			Opaque glass panels with a fire-fused ceramic frit paint; typically used between vision areas of windows to conceal structural columns, floors and shear walls
Opaque or tinted glass			✓		Glass with a tinted or colored coating or finish or otherwise treated to produce a tint that reduces its opacity.
Mirrored glass				✓	Glass with a reflective or mirrored coating or finish
Other Materials Group	Class 1	Class 2	Class 3	Class 4	Definition
Wood (panels and siding)	✓				Authentic hardwood or exterior rated, rot-resistant wood paneling and siding
Fiber cement board (siding)	✓				Cement panels reinforced with cellulose fibers, such as Hardie® Plank and Nichia® Nichiboard
Exterior insulation and finish system (EIFS)				✓	Polystyrene foam covered with a synthetic stucco, water-managed and exterior rated. May only be used for fascia and soffits on first/ground level applications; may not be used for areas intended for signage installation on any level.
Composite wood (panels, siding, and trim)		✓			Composite or other synthetic wood types, such as LP® SmartSide®
Vinyl and PVC (panels, siding)				✓	Exterior siding that is made from a synthetic resin or plastic
Ceramic			✓		Ceramic tile adhered to a wall surface or wall anchoring system
Translucent wall panel systems			✓		Panels or blocks, typically hollow, made of translucent polycarbonate material – such as Kalwall®
Fabric					(not permitted)

5. The Administrative Official shall have the authority to interpret the definition of each exterior building material grouping to determine if a specific material meets the criteria for a material grouping. An applicant shall provide any necessary information such as product sample or product technical to aid in the decision making of the Administrative Official.

6. The Administrative Official may allow usage of an exterior building material grouping not listed in § 1004.2.C.4 which cannot be determined to be substantially similar to a listed material grouping. Such allowance may only be made for an individual Development Review application upon a written determination of the quality of the material based upon its durability, appearance, and architectural style, being of similar quality and character as other material groupings within the determined class.

EXHIBIT A

1004.3 - MECHANICAL AND UTILITY EQUIPMENT

- A. All mechanical and utility equipment located on the wall, roof, and/or on the ground shall be screened from view when visible from the public realm or residential zoning district or uses.
- B. All roof-mounted utilities and mechanical equipment shall be screened on all sides by incorporating opaque screening into the structure utilizing materials compatible with the supporting building. Such screening shall be at least equal to the height of the equipment being screened.

1004.4 - TRASH, REFUSE, AND RECYCLABLE MATERIAL STORAGE

- A. Dumpsters and refuse storage areas shall be placed to the side or rear of the main building and located away from the entrance of the site/development access and shall avoid placement near buildings for residential use on adjacent property.
- B. Dumpsters and refuse storage areas shall be enclosed and/or screened.
- C. Developments shall include either a trash container room or dumpster enclosure constructed and approved according to the current standards of City of Conway Sanitation Department.
 - 1. Enclosure walls on three (3) sides at a minimum of six (6) feet in height and a gate or gates, substantial enough to fully screen the containers within, shall be required.
 - 2. The entire enclosure shall be constructed of Class I materials matching the Class I materials used on the primary structure.
 - 3. Dumpster enclosures shall be located so as to allow ease of access for collection vehicles. No parking or other obstruction shall be permitted in the access area for enclosures. With the exception of alleys, dumpster enclosures shall be located so as to prevent trash collection trucks from blocking traffic while servicing them.
- D. Trash container rooms and dumpster enclosures may be shared upon evidence of the abutters' agreement to do so. Property owners must enter into a Shared Sanitation Service Agreement, whereupon each party identifies requirements and maintenance responsibilities.

1004.5 - LANDSCAPING

A. Goals

The goals of these landscaping requirements are:

- 1. To enhance the visual appearance of the City,
- 2. To provide compatible transitions between different land use types and/or densities,
- 3. Facilitate safe movement of all forms of traffic,
- 4. Break up large areas of impervious surface, and provide shade,

EXHIBIT A

5. Assure appropriate barriers to and relief from traffic, noise, heat, glare, and odor,
6. Improve air quality, and
7. Promote energy efficiency and conservation in site design, building construction, and landscaping.

B. General Requirements

1. These requirements shall apply in all zoning districts except C-1.
2. All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped.
3. Landscaping shall be provided which is sufficient to provide soil stability and adequate drainage.
 - a. Trees, shrubs, groundcover, and grass shall be placed and/or retained in such a manner as to reduce runoff and/or erosion.
 - b. Graded areas shall be re-vegetated to ensure erosion control by seeding, mulching, and fertilizing. Disturbed areas shall be planted with suitable plant materials.
 - c. Soil stabilization measures shall be provided on steeps slopes while ground cover is being established.
4. The current property owner shall properly maintain all required landscaping.
 - a. The property owner shall be responsible for maintaining all landscaping within the boundaries of the site so as to present a healthy, neat, and orderly appearance.
 - b. Any unhealthy or dead plant material shall be replaced in accordance with the approved landscaping plan within three (3) months of the plant material dying or becoming unhealthy.
5. Native and naturalized species should be used, when possible, in order to minimize watering.
6. Conway Corporation shall be provided the opportunity to review all landscape plans for the purposes of verifying utility conflicts.

C. Preservation

1. Where possible and reasonable, existing mature, "significant" trees, rock outcroppings, and riparian corridors should be preserved and incorporated into landscape plans.
2. Where healthy plant material exists on the site prior to development and the provision is made to preserve and incorporate that plant material on a permanent basis, then credit may be given against all pertinent city landscaping requirements, and its preservation verified at final inspection of the project.

D. Site Perimeter Landscaping Requirements

EXHIBIT A

The perimeter of a site shall be landscaped to provide a buffer for adjacent uses as well as an attractive view from the street. This area shall be required along the full length of all property lines. No parking or paving shall be permitted within this landscape buffer except for sidewalks and driveways. Any driveways must cross the buffer at a generally perpendicular angle.

1. Street Frontages

- a. A ten (10) foot landscape buffer shall be provided along all property lines abutting any public or private street, exclusive of right-of-way.
- b. Trees shall be planted at the ratio of no less than one (1) canopy tree for every thirty (30) feet of property line abutting any street. In the event overhead obstructions exist which would prohibit the use of canopy trees, understory trees shall be required at a rate of one (1) tree every fifteen (15) feet.

2. Interior Lot of Property Lines

- a. A perimeter landscape strip at least six (6) feet in width shall be provided along all property lines adjoining nonresidential zoning districts or uses. This provision is waived where neighboring structures adjoin, such as with strip centers.
- b. A perimeter landscape strip at least twenty (20) feet in width shall be provided along all property lines adjoining any residential zoning district or use, except where a multi-family development abuts another multi-family development.
- c. There shall be at least one (1) canopy tree every thirty (30) feet, one (1) decorative tree every fifteen (15) feet, or one (1) shrub every six (6) feet along all boundaries of the site which do not abut streets. Up to twenty-five percent (25%) of these plantings may be grouped, where desired.
- d. Existing vegetation which meets, in whole or in part, the purposes of perimeter landscaping described above, may be applied toward these requirements.

E. Parking Lot Landscaping and Screening

1. Service, loading, and storage areas not visible from an area of public access or an adjacent residential zoning district or use shall be exempt from the requirements.
2. Trees shall be planted within the paved parking area so that each parking space is no more than sixty (60) feet from the nearest tree. Perimeter trees may be used to satisfy this requirement.
3. In parking lots with twenty-four (24) spaces or more, no more than twelve (12) continuous parking spaces are permitted without a landscape island so as to provide a ratio of no less than one (1) tree for each twelve (12) spaces throughout the lot.
4. All parking lots shall meet the following requirements:
 - a. A landscape island shall be provided at the end of each parking lot aisle.

EXHIBIT A

- b. Each island shall contain at least one (1) tree. Each tree shall be maintained to provide a minimum clearance of eight (8) feet at the lowest limb.
- c. All islands shall be a minimum of one-hundred-and-fifty (150) square feet of unobstructed landscape area.
- d. All islands shall be sodded, seeded, mulched, or xeriscaped with landscaping quality rocks and stones.
- e. All islands shall have a minimum unobstructed width of eight (8) feet.
- f. All islands shall be protected by a six (6) inch concrete curb unless Low Impact Development (LID) design elements/strategies are implemented.

5. In addition to the above, parking lots with two-hundred (200) or more parking spaces shall be divided by landscape "buffer" areas to prevent large expanses of asphalt.

- a. With the exception of driveways, which may cross them, these areas shall extend the width or depth of the parking lot.
- b. This buffer shall be a minimum of twelve (12) feet wide, and include a pedestrian walkway of no less width than six (6) feet bisecting it.
- c. A typical screening measure, such as a hedgerow or trees, should be instituted along both sides of the walkway to provide a buffer to pedestrians. Screening vegetation must be a minimum of three (3) feet tall and no more than twenty-four (24) inches apart on center or the diameter of the specific cultivar.

6. All parking lots shall be screened. Screening measures shall be instituted in accordance with the standards below, exclusive of access driveways and sidewalks:

- a. Where shrubs are used, they shall be evergreen in nature, be at least thirty (30) inches tall at the time of planting, have a mature height of at least three (3) feet, and be spaced no more than twenty-four (24) inches apart on center or the diameter of the specific cultivar.
- b. Where fences or walls are used, they shall be continuous and solid in nature, at least three (3) feet in height, no more than four (4) feet in height, and be constructed of brick, stone, split-faced block, or other approved material approved by the Administrative Official.
- c. When located within/adjacent to a residential zoning district intended for predominantly single-family or two-family dwellings or adjacent single-family or two-family dwellings, an opaque wood privacy fence at least six (6) feet and no more than eight (8) feet in height shall be required along all interior side and rear property lines unless an undisturbed vegetated buffer of at least fifty (50) feet exists.

1004.6 – FENCES

- A. Razor and/or barbed wire

EXHIBIT A

Razor and/or barbed wire fences are prohibited if visible from public right-of-way or a residential zoning district or use, except barbed wire used for agricultural purposes. Use shall require screening in such instances, unless located within an industrial zoning district or where a demonstrated security concern necessitates barbed wire for industrial use in a commercial zoning district.

B. Chain Link

Chain link fencing shall not be closer to any adjacent street than any structure on the site. All chain link fencing shall be painted or coated in a non-obtrusive color, such as black or dark green, in order to diminish its visual impact.

C. In Front of Buildings

Any fencing or walls located between the primary structures and any public right-of-way, including those used as a retaining measure, may only be solid up to forty-eight (48) inches in height. Any fencing which exceeds forty-eight (48) inches in height shall not obstruct the view of the primary structure from the right of way. Such fencing shall not obstruct views for vehicular traffic at intersections and shall not be placed within an established clearview zone.

1004.7 - LIGHTING

Lighting and light under this section includes any temporary or permanent lighting equipment that is installed, located or used in such a manner with the intention to cause light rays to shine outdoors. This includes, but is not limited to, driveways, sidewalks and walkways, parking lots, structures, signs, and all sports and recreational lighting. All proposed exterior light sources shall be submitted with the Development Review application.

- A. Reasonable amounts of lighting shall be allowed and provided, as appropriate, at intersections, along walkways, at building entrances, between buildings, and in parking areas. Light levels at the property line shall not exceed 0.5 footcandles when adjacent to a non-residential zoning district or use, and 0.1 footcandles when adjacent to a residential zoning district or use, as measured five (5) feet above the ground.
- B. The maximum height of any light source (bulb), regardless of the method for mounting, shall not exceed twenty-five (25) feet. In developments over ten (10) acres in size, the maximum height of any fixture shall exceed forty (40) feet.
- C. No light shall be of such design, height, and/or intensity so as to produce glare or direct illumination across the property line, nor shall any light be of the same so as to create a nuisance or detract from the use and enjoyment of adjacent property. All light shall be directed downward or inward toward the property by choosing appropriate fixtures and properly aiming fixtures during installation.
 1. All fixtures shall be "Full Cut-Off" and/or fully shielded in design so that no light is visible above the lowest part of the fixture.
 2. No light source (lightbulb) should be directly visible from any point off of the property or any roadway.
- D. All proposed fixtures shall be shown on the landscape plan.

EXHIBIT A

1004.8 – EXTERIOR SEATING AND EATING AND DRINKING ESTABLISHMENTS

- A. The seating must be entirely on privately owned or leased property and outside the public right-of-way. Any right-of-way encroachment must be approved by the Conway City Council.
- B. All outdoor seating shall be arranged in such a way so as to be safe under all conditions for pedestrian and vehicular traffic. It shall not inhibit the free circulation on public sidewalks or safe egress from buildings by maintaining a clear area of at least five (5) feet for pedestrian use.
- C. The property owner shall be responsible for maintaining the outdoor seating area in a clean, sanitary, and orderly manner.

1004.10 – SIDEWALKS

- A. Sidewalks shall be constructed as outlined by the Conway Subdivision Regulations and Conway Master Transportation Plan.
- B. Sidewalks shall be constructed on all streets public and private, regardless of classification, with the exception of alleys, for all projects requiring Development Review.
- C. No permanent open display shall be permitted on sidewalks or in public rights-of-way.

1004.11 – I-3 INTENSIVE INDUSTRIAL DISTRICT STANDARDS

These standards shall only apply to sites with frontage along an Interstate, Major Arterial, or Minor Arterial as designated within the Conway Master Transportation Plan.

Due to the nature of industrial development, the City of Conway realizes that architecture, landscaping densities, and overall site aesthetics are generally secondary to the utilitarian considerations of building size and function; access, storage and circulation requirements; and standard industrial district practices. However, the City does desire for industrial development to appear as of high quality and be as visually appealing as is reasonable, especially from the public realm. Therefore, the City will most closely review the "Image Zone" of all proposed developments within the I-3 Zoning District. Developers should strive to place considerable attention to this area.

All areas of an I-3 industrial project's "Image Zone" shall meet all standards required by this article for commercial, office, and multi-family development, especially with regards to landscaping.

For all areas of an I-3 project, the following general standards shall be met:

- A. Site Planning
Site layouts should be designed to provide aesthetically pleasing street scenes; controlled accesses with maneuver area for emergency vehicles; convenient visitor parking; well-screened outdoor storage, loading areas, equipment and service areas; and an emphasis on the primary entrance or office portion of the building.
 1. Expansive paved areas located between the street and the building should be avoided in favor of multiple small lots separated by landscaping and buildings. Visitor and handicap parking shall be located adjacent to the primary building entrance while employee parking areas should be located at the side or rear of the building.

EXHIBIT A

2. Loading and storage areas shall be screened from view from the public realm and/or when adjacent to non-industrial property. Wherever possible, various screening methods should be incorporated into the site design to reduce the visual impact of these facilities.
 - a. orientation of the site;
 - b. portions of the building;
 - c. decorative screening walls or fencing;
 - d. landscaping.
3. All industrial developments should attempt to provide outdoor plazas or enhanced site features at the building entries and/or in employee break areas. It is encouraged that plazas and break areas include:
 - a. tables, benches, or seat walls;
 - b. canopy trees, potted plants, trellises and other shade structures;
 - c. trash receptacles;
 - d. enhanced paving.
- B. Landscaping should be used to screen unsightly areas from public view. It is important to provide the majority of the landscaping where it provides the maximum public benefit. Landscaping throughout the project should be considered essential, and especially critical within the Image Zone, where it shall meet all other landscaping provisions of this Article.
 1. Barbed wire and razor wire visible from the public realm or non-industrial property should never be used unless it is needed to solve a demonstrated security problem.
 2. All chain link fencing shall be painted or coated in a non-obtrusive color, such as black or dark green, in order to diminish its visual impact.
- C. Building Design

The guidelines for industrial development seek not to impose a particular architectural theme or style but to promote quality development that will be an asset to the City. Developers should strive to provide the most attention to aesthetics within the Image Zone of the project.

 1. Primary entryways to buildings in the I-3 Intensive Industrial District should make every attempt to portray a quality office appearance through architectural treatments.

EXHIBIT A

2. Encouraged elements:
 - a. variation of building façade planes, direction, materials, and color;
 - b. inclusion of architectural elements and details;
 - c. building entry accentuation;
 - d. pitched roofs where building size makes it feasible, and articulating parapet caps where not;
 - e. screening of equipment and storage areas, to include those which are rooftop-mounted; and
 - f. landscaping along the base of structures to soften an otherwise bulky appearance
3. Discouraged elements:
 - a. large, blank, flat surfaces;
 - b. metal siding which dominates a façade;
 - c. exposed, untreated concrete block walls (except split face);
 - d. loading doors facing the street;
 - e. exposed mechanical equipment;
 - f. highly reflective surfaces; and
 - g. trash enclosure doors facing the street or visible from street;
4. Front elevations and primary entries should express a high window-to-wall ratio. Window type, material, and proportion should complement the overall façade.
5. Warmer “earth tones” are preferred to white or other colors which appear obtrusive and reflect glare.

1004.12 – SPECIAL STANDARDS

This paragraph provides standards regarding the unique design characteristics of specialized development types. It is imperative to note that this paragraph is designed to be used in conjunction with all other provisions of this article. The Special Standards apply in addition to all other standards.

A. Vehicle Dealerships and Automotive Repair Shops

Vehicle dealerships and automotive repair shops are intensive and dynamic uses characterized by constant, heavy automotive and pedestrian activity. Accordingly, great care should be taken when siting such facilities within a community so as to impose the minimum impact on surrounding uses.

1. Space for the unloading of cargo and vehicles from trucks shall be integrated into the overall design of the site.

EXHIBIT A

2. Associated uses or activities that create excessive amounts of noise (car repair, exterior sound systems, cleaning, testing, etc.) should not be immediately adjacent to residential zoning district or uses.
3. Service areas associated with vehicle dealerships should be screened from public view and abutting properties through the use of efficient and attractive landscaping, fencing, and/or walls. Areas should be located at the back of the project when feasible.
4. Any on-site service or repair facilities should:
 - a. provide vehicle access to individual bays which is internal to the site (preferably the rear) and not directly from street frontage;
 - b. provide screening for such bays so as to not be visible from public right-of-ways;
 - c. provide a dedicated vehicle washing area; and
 - d. not be visible or audible to passing pedestrians from the street or adjacent residential zoning district or uses.
5. Public and business-related parking areas should be clearly delineated through dedicated signs, pavement markings, or other methods.
6. Specific site locations should be created for the storage of used oil and lubricants pending recycling.
7. All compressors should be located in the interior of the site or within buildings so as to minimize any audible impacts to adjacent properties.
8. Vehicle dealership landscaping
 - a. Trees shall be planted at the ratio of no less than one (1) canopy tree for every sixty (60) feet of property line abutting any street. In the event overhead obstructions exist which would prohibit the use of canopy trees, understory trees shall be required.
 - b. Trees shall be planted within parking lot landscape islands at a ratio of no less than one (1) canopy tree per twenty-four (24) parking spaces.
 - c. Any parking lot island required by § 1004.5.F.3. which does not include a canopy tree shall be densely planted with evergreen shrubs at a height of thirty (30) inches or greater.

B. Automobile Service Stations

Automobile service stations are intensive uses characterized by large areas of paving which permit vehicles to freely maneuver. As a result, these locations have the potential to create significant adverse impact for adjoining streets and properties. These standards are intended to mitigate the potential impacts of service stations on adjoining areas.

1. A minimum twenty-four (24) foot drive shall be required between the canopy and main building or parking aisle adjacent to the building.

EXHIBIT A

2. Canopies shall not exceed the height of the main building.
3. Canopies and canopy support columns shall complement the main building using techniques such as using similar parapet forms or using similar building materials on canopy support columns.
4. Drive-throughs on-site shall be located along the side or rear of the principal building with stacking for the drive-through placed at the rear of the principal building. This provision shall not apply to pick-up windows where ordering does not occur within the drive-through line.
5. All areas of the principal building directly adjacent to parking shall have at least five (5) foot sidewalk separating the building from the parking.

C. Airport Overlay District Zoning and Development Design Standards

1. Airport Layout Plan

The Airport Layout Plan shall serve as the master planning map for locations of buildings, structures, fueling, runways, aprons, taxiways, etc.

2. Land Uses

The land uses for the Airport shall complement and enhance the aviation aspect of the Cantrell Field. All non-aviation related activities are prohibited.

Special Exceptions

Special exceptions shall include any land uses outside of aviation activities allowed in an I-3 Intensive Industrial zone either by right or with a conditional use permit. These uses shall be approved on a case-by-case basis. All special exceptions shall conform to the laws and regulations of the City of Conway, FAA regulations, state and federal regulations. Adult entertainment facilities, regardless of type, are not eligible for a special exception. Proposed exceptions must be approved by the City of Conway. Special exceptions requiring a conditional use permit shall require review by the Planning Commission and approval of the City Council as stipulated in the Conway Zoning Ordinance.

3. Federal Aviation Administration Requirements

These minimum development standards apply to areas within the Airport boundary. Within the Airport, there are documented standards which are rigidly enforced by the FAA. No lighting, communication, emissions, building locations, or operational activities of any sort shall be permitted that would potentially interfere with the operation of the Airport, aircraft, or navigational aids. All airside and landside facilities shall be in full compliance with all dimensional criteria and standards set forth by the City of Conway and the FAA.

4. Prohibited Nuisances and Hazards

No business, trade, activity, or operation, which shall be noxious, offensive, or illegal; or which shall be contrary to any regulations, including, without imitations, those of the Federal EPA, the State of Arkansas Department of Environmental Quality (ADEQ), or the City of Conway, or which shall cause an emission of dust, smoke, odors, fumes, radiation, noise, or vibrations, which may be or become a nuisance or an unreasonable annoyance to the occupants of any adjacent or neighboring site, shall be conducted. All on-site operations and activities shall be conducted with reasonable and appropriate precautions against radiation, fire, explosion, and other hazards.

EXHIBIT A

No on-site operations or activities which require or involve the use, storage, generation, or disposal of "toxic wastes" or "hazardous materials," as defined in or under any federal, state, or local regulations, or as defined by the City of Conway, shall be allowed, other than in conformity with these regulations and as specifically approved by the City of Conway.

5. Lot Sizes

The minimum lot size shall be not less than that required for the building pad, required parking and all set-backs. The City of Conway may approve constrained parcels that do not meet the minimum criteria.

6. Building Location and Height

The location of all buildings, regardless of intended use, shall be consistent with the Airport Layout Plan, which may be amended from time to time by the City of Conway. No structures may exceed a height that would penetrate the imaginary surfaces shown on the Federal Aviation Regulations Part 77 drawing and the Airport Layout Plan. Height limitations on the entire Airport shall comply with FAA requirements for transitional surfaces and for line-of sight from the rotating beacon or Air Traffic Control Tower, if so equipped, to all runways, taxiways and aprons.

7. Building Orientation

For buildings contiguous with the Airport Operations Area (AOA) fence, a distinct entrance for airside and landside users shall be provided. Building footprints shall be presented on the site plan. Building on each site shall be oriented to minimize service docks, dumpsters, refuse collection areas, and stockpiles from public view.

8. Setbacks

All parking areas and buildings shall be set back from the airfield ramps, taxiways, and other areas used by aircraft, in compliance with standards established by the FAA or as required by the Airport Layout Plan and the City of Conway.

9. Outside Storage

All outside storage of equipment or other materials is prohibited.

10. Accessory Buildings and Temporary Structures

Accessory buildings (such as storage sheds) and temporary structures are prohibited.

11. General aviation aprons and taxi lanes

General Aviation aprons and taxi-lanes leading into aprons shall be in accordance with FAA AC 150/5300-13 (or current version), Airport Design. Lighting shall be in accordance with FAA AC 150/5340-30 (or current version). Signage and Marking shall comply with FAA AC 150/5340-1 and 150-5340-18 (or current version).

a. Pavement sections on all aprons and taxi lanes leading into aprons shall be designed to the same standards as the aprons.

b. All aircraft pavements shall be designed and constructed using FAA approved materials and standards.

c. Apron grades shall be consistent with minimum local drainage requirements, but shall be limited to a maximum grade of 1.0 percent to facilitate the towing and taxiing of aircraft.

d. Apron grades shall be designed to direct drainage away from buildings.

EXHIBIT A

- e. Stormwater inlets shall be installed within the pavement limits to facilitate the drainage to the stormwater management system only when and where necessary.
- f. The outer perimeter of the GA apron facing the airfield shall be equipped with edge lights. Taxilane edge lights shall be installed according to FAA specifications. All airfield lighting electrical installations or connections shall be coordinated with and must be approved by the City of Conway prior to installation.
- g. The apron shall be marked and striped in accordance with applicable FAA advisory circulars.
- h. Setbacks and clearances shall comply with those standards outlined in FAA AC 150/5300-13, Airport Design, for the aircraft types operating or anticipated to operate on the apron.
- i. Designated thoroughfares for fueling, maintenance, and other ground service vehicles shall be designed to minimize vehicular traffic conflicts with aircraft movements.

12. Vehicular Access

Vehicular movement to aircraft storage hangars shall be restricted from crossing any airport taxiways or runway. All aircraft storage hangars shall provide automobile parking that does not interfere with aircraft operations. Vehicle parking on ramp areas is expressly prohibited except for necessary service vehicles.

Buildings normally open to the public ensure that pedestrian and vehicular access is restricted to roads and parking lots.

All improvements or facilities sited on the landside/AOA interface shall have appropriate access to both the landside and the AOA. All customer facilities and accommodations for passengers and crew of transient aircraft must include a ramp or other convenient access for the disabled, and must include sanitary restrooms equipped for use by their guests or employees.

13. Utilities and Water/Sewer Facilities

All utilities shall be located underground and located in the right-of-way adjacent to the road. Each lot shall connect to the utilities and service pedestals or boxes located outside of the roadway sight lines. The area around the service pedestal or boxes shall be kept clear of permanent structures. Landscape irrigation, if installed, shall be designed in such a manner that water is not directly thrown or sprayed on the pedestals or boxes.

Utility meters shall be installed where necessary, as required by utility companies. Temporary power poles are permissible while the primary structure is being constructed, but shall be removed prior to the time the Certificate of Occupancy (CO) is issued. Power poles shall not be placed within the roadway sight lines.

A plan indicating water and sewer facilities to be installed for the project will be provided to the City of Conway, along with the site plan for the project. This plan should conform to the requirements of City of Conway (water, sewer), and all applicable regulatory agencies.

14. Fuel Tanks

Fixed fuel storage systems shall contain safety fixtures and filtration systems that meet industry standards. The system shall have at least 10,000 gallons of above ground storage

EXHIBIT A

for each type of fuel to be provided. The storage system shall include adequate fuel spill prevention features and containment capabilities. A Fuel Spill Prevention Countermeasures and Control (SPCC) Plan must also be submitted to the City of Conway and the Arkansas Department of Environmental Quality for approval. Compliance with the City of Conway Building Code, NFPA, and ADA is required.

a. Tank Location

All fuel shall be stored in above-ground tanks approved by the City of Conway and located in a location in accordance with the FAA approved and Airport Layout Plan (ALP), with setbacks from buildings and roads as required by the NFPA. No underground storage facilities shall be permitted without express written approval from the City of Conway.

- i. Vehicular access and circulation around the fuel storage facilities shall not impact or impede existing Airport roads, and shall in no case require the use of dedicated airside pavements or facilities. Primary access roads to the site must be designed for heavy truck traffic.
- ii. Facility shall be fenced and signed to reduce the chance of unauthorized entry or tampering with the fuel system.
- iii. The fueling facility shall be marked in accordance with FAA AC 150/5230-4.

b. Fuel Storage Tank General Regulations

- i. Separate storage tanks and fuelers shall be provided for each grade of fuel distributed. Tanks and mechanical equipment must be labeled and color-coded per FAA requirements (AC 150/5230-4) to distinguish the different fuel grades. Dead man controls shall be provided for unloading fuel from the tanks into the refueling vehicles. Over-the-road tankers are prohibited from all airside areas.
- ii. Minimum storage tank size shall be 10,000 gallons each for aviation fuel and (Jet A and Avgas).
- iii. All above-ground tanks shall be installed in a concrete containment basin designed to capture any accidental spill of the contents of the fuel storage facility and/or delivery vehicle in accordance with all EPA, NFPA, and other federal, state, and local laws and regulations, as amended. Emergency fuel shutoff stations shall be located near the fuel tanks, and shall be accessible, well marked, and lit as per AC 150/5230-4.
- iv. All surface drainage from the storage area and docking/loading area shall be captured in a closed drainage system and directed through a fuel spill and/or oil-water separator device approved by the ADEQ.
- v. At a minimum, aboveground storage facilities shall be diked with an impervious retention basin capable of containing 110 percent of the capacity of the largest tank and shall be either double-lined or vaulted.
- vi. Fuel storage equipment shall be provided with metering devices that maintain and produce accurate receipts of fuel dispensed from the facility and are calibrated and

EXHIBIT A

approved by the State of Arkansas Department of Agriculture, Division of Weights and Measures. Specifications for the metering equipment shall be submitted to the City of Conway for review and approval. Fueling equipment and procedures shall comply with all federal, state, and local laws and regulations as amended.

- vii. Design and construction drawings and specifications shall be approved by the Airport Advisory Committee and ADEQ.
- viii. Above-ground storage facilities shall conform to the requirements of NFPA 30, Flammable and Combustible Liquids Code, Florida Administrative Code-Chapter 62-761, and other applicable requirements for storage facilities.

c. Fuel Tank Safety Regulations

All fueling facilities shall conform to the highest standards of safety.

- i. Facility shall be posted with "Flammable—No Smoking" signs conforming to NFPA standards.
- ii. Facility shall:
 - A) Contain no feature that would allow introduction of any foreign material into fuel.
 - B) Be free of materials, equipment, functions, and activities that would be ignition sources.
 - C) Be constructed in such a manner as to prevent the introduction of the product into the wrong storage tank.
 - D) Be constructed with lightning protection in accordance with NFPA standards.
- iii. Facility shall be equipped with protection for electrical equipment and wiring. This protection shall provide reasonable safeguards from heat, abrasion, or other impact that could cause failure of insulation, open spark, or other ignition source. See NFPA Standard 70, National Electrical Code.
- iv. Grounding and bonding equipment shall provide that piping, filters, tanks, and electrical components are electrically bonded together and interconnected for adequate electrical ground.
- v. Twenty pound Class B fire extinguishers shall be readily available to the operator of fueling equipment, in conformance with NFPA standards.
- vi. All hoses, nozzles, filters, and connectors shall meet or exceed recommendations in FAA AC 150/5230- 4.
- vii. Distribution of fuel into aircraft shall be by self-fueling, stationary fueling systems or mobile pumping equipment (fuelers). Fueling with portable gas cans is permitted with a self-fueling permit, as issued by the City of Conway.

EXHIBIT A

15. Hazardous Materials

The applicant shall submit a hazardous materials handling program, as necessary, indicating full disclosure of any hazardous materials that may be stored on-site. Standard storage, use and disposal procedures, emergency procedures and schedule of regular inspections and approvals necessary to comply with Airport standards, City of Conway, state and federal regulations.

16. Security

Development shall be designed, constructed, and separated in a manner that assists the City of Conway in controlling access from the landside to the airside. Security access points may be established by the City of Conway and shall be designated on the site plan submitted to the City of Conway. Lessee shall fully comply with all standards set forth by the Airport Security Plan, and any other regulations established or amended from time to time by the City of Conway.

Coordination with the City of Conway will be essential to assure that the latest and most up-to-date information is available during development and construction of airport facilities.

If the Leasehold is located in an area designated as a Security Identification Display Area (SIDA), which is accessible only to those persons displaying security media issued by the City of Conway, each person must wear and display the security media issued by the City of Conway at all times while within the SIDA. Lessee shall control the premises to prevent unauthorized access to the Air Operations Area (AOA) or SIDA. Lessee shall strictly comply with all applicable provisions of the Airport Master Security Plan. Should Lessee implement a security system, such security system must comply with the Airport's security specifications.

For facilities entirely or partially located within the AOA or SIDA, electrical wiring and security data conduits shall be provided by the City of Conway to operate security devices (gates, access controls, and cameras). Four (4), four-inch PVC conduits shall be provided where required: one for power, one for data, and two spare.

17. Antennas and Satellite Dishes

No antenna or satellite dish for transmissions or reception of television signals or any other form of electromagnetic radiation shall be erected, used, or maintained outside any building, whether attached to an improvement or otherwise, without the prior written approval of the City of Conway. Conway Corporation shall provide cable television and internet service.

18. Fire Suppression

The building owner shall install fire detection devices within the premises and such devices shall be monitored to communicate the need for emergency response. The building owner shall also install a single-key fire department emergency access system, such as a KnoxBox®. The emergency access system is intended to ensure immediate building entry by firefighters without delay. All buildings, including aircraft hangars shall meet all applicable City of Conway and Arkansas state fire codes.

19. Aircraft Wash Racks

Aircraft wash racks shall be equipped with oil/water separators and oil catch tanks to prevent fuel oil, or other petroleum based products from being discharged into the stormwater or sanitary sewer system. Waste disposal and sanitary system plans shall be provided to the City of Conway.

EXHIBIT A

All facilities shall obtain necessary permits and be in compliance with ADEQ regulations.

20. Variance Procedures

a. Structure and Design Variance

The City of Conway shall consider and may grant a variance to any covenant, restriction, or condition listed herein. Variance conditions must be documented to satisfaction of the City of Conway, including reasons why the property cannot conform to the aforementioned covenants, restrictions or conditions. Variance requests shall be submitted to and reviewed by the Airport Manager. The Airport Manager shall present the variance request to the Airport Advisory Committee. The Airport Advisory Committee shall then make a recommendation to the City Council. The City Council shall be the final approving body for any variance requests.

b. Land Use Variance

Any variance for land uses shall follow procedures as specified in Airport Zoning and Overlay District Design Standards 2. Land Uses

SECTION 1005 – TRAFFIC IMPACT ANALYSIS REQUIREMENTS

The Administrative Official may require a traffic impact analysis to study the traffic impacts of a proposed development, including recommendations for on-site and off-site improvements. The study shall be commissioned by the Administrative Official by a firm of his/her choosing with the cost reimbursed by the applicant. Where it is determined that off-site improvements are required to mitigate the impact of the development, impact fees shall be waived for the development unless separate agreement is made between the City of Conway and the applicant on the cost of such off-site improvements.

SECTION 1006 – WAIVERS

Specific site conditions and operational needs of particular uses may cause hardship in the direct application of the provisions of Development Review. As such, waivers may be granted to the standards contained in § 1004, excluding sidewalks and the provisions of § 1004.11.C. No waiver may be granted for an approval/procedural standard or provision of any requirement of this code outside of Article X.

1006.1 – WAIVER TYPES

Waivers shall be either a minor or major waiver.

A. Minor Waiver

The waiver of a single numerical requirement by less than twenty percent (20%) shall be considered a minor waiver. More than one (1) minor waiver request made as part of a Development Review application shall be considered a major waiver request.

B. Major Waiver

The waiver of a numerical requirement by more than twenty percent (20%), the partial or full waiver of a non-numerical requirement, or multiple waiver requests on a Development Review application shall be considered a major waiver request.

1006.2 – REQUEST AND REVIEW PROCEDURE

A. Waiver Requests

Waiver requests shall be in writing at the time of filing a Development Review application or in writing as part of an applicant's resubmission as result of review comments. No waiver request

EXHIBIT A

may be granted unless such request is made in writing by the applicant with a written justification for the necessity of the waiver.

B. Waiver Review

A waiver request shall be reviewed by the Administrative Official as part of the Development Review procedure.

C. Finding of Approval

No waiver request shall be granted unless the following have been determined by the approving authority:

1. Cost is not the sole basis for the necessity of the request.
2. Conditions exist on the site which make application of the requirement impractical or infeasible due to topography, utility placement, unique property condition, unique operational condition of the use on the particular site, or similar issue.
3. Granting the waiver request will not result in a condition that defeats the purpose and intent of the provisions of Article X.

D. Approval

Waiver requests may be approved in the following manners:

1. Minor Waivers: The Administrative Official shall have the authority to approve a minor waiver request after making a written finding of approval. Approval shall be issued in writing by the Administrative Official to the applicant, and may be issued prior to or with approval of a Development Review application. Record of the waiver approval shall be included with the filed records of the Development Review application.
2. Major Waivers: The Administrative Official shall have the authority to provisionally grant a major waiver request after making a written finding of approval. The Administrative Official shall issue such provisional approval to the City Council by electronic means. Any member of the City Council shall have five (5) business days to request review of the major waiver before the City Council. If no member of the City Council requests review, the major waiver request shall be considered approved.
 - a. If a member of the City Council requests review of a provisionally approved major waiver request, the request shall be heard before the City Council within sixty (60) days.
 - b. In reviewing a provisionally approved major waiver request, the City Council shall consider the criteria for a finding of approval listed in Paragraph C of this subsection. The Administrative Official shall provide a written report detailing why the decision was made. The written report shall be provided to the applicant at least seven (7) days prior to item being heard by the City Council.
 - c. The City Council may approve or deny the request. The City Council shall deny any waiver for a finding of approval cannot be made consistent with Paragraph C of this subsection. Action by the City Council shall be considered final and shall only be appealable to a court of appropriate jurisdiction.

EXHIBIT A

E. Denial

A waiver request shall be denied unless a finding of approval can be made by the approving authority. Denial of a waiver request by the Administrative Official shall have the effect of denial of a Development Review application. Appeal of such decisions may be made by the applicant in accordance with § 1003.5.C.

FEES – TO BE ADOPTED WITH A NEW FEE SCHEDULE

Small Scale Development Review: \$325

Large Scale Development Review:

Less than One (1) Acre:	\$500
One (1) to Two (2) Acres:	\$750
Two (2) to Three (3) Acres:	\$1,500
Three (3) to Five (5) Acres:	\$2,500
Over Five (5) Acres:	\$3,500

Post Approval Review Fee: \$250

EXHIBIT A

Appeal: \$325

First Reading Only



City of Conway, Arkansas
Ordinance No. O-25-_____

AN ORDINANCE AMENDING THE CONWAY ZONING CODE O-94-54, AS AMENDED FOR THE PURPOSES OF DEFINING OR REDEFINING TERMS:

Whereas, it is desirable to have a comprehensive definition section that reflects any amendments to other sections of the code;

Whereas, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of the City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

Whereas, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on **October 20, 2025**, and adopted the prepared amendments.

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

SECTION 1: That these amendments to the Conway Zoning Code are hereby adopted by reference, and included as exhibit "A" to this ordinance, as Article XIII of O-94-54, as amended and also known as the Conway Zoning Code.

SECTION 2: All ordinances in conflict herewith are repealed to the extent of the conflict. The Planning and Development Director shall be empowered to recodify the Zoning Code as necessary to update the code with the amendments.

PASSED this _____, 2025

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer

EXHIBIT A

SECTION 1302 – DEFINITIONS OF TERMS AND USES

Building Coverage: The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.

Impervious surface: A material or structure that prevents water from soaking into the ground.

Low Impact Development (LID): Stormwater management system that mimics natural hydrologic processes to mitigate impacts related to stormwater volume and pollution. Examples include bioswales, rain gardens, permeable pavement, etc.

Lot Coverage: The percentage of lot area occupied by impervious surfaces.



City of Conway, Arkansas
Ordinance No. O-25-_____

AN ORDINANCE TO REPEAL THE CITY OF CONWAY'S PLANNING OR TERRITORIAL JURISDICTION OUTSIDE OF CITY LIMITS IN COMPLIANCE WITH ACT 314 OF 2025, TO AMEND ORDINANCES AND CITY CODE PROVISIONS ACCORDINGLY, AND FOR OTHER PURPOSES.

Whereas, pursuant to Arkansas Code Annotated 14-56-413, municipalities were authorized to exercise extraterritorial jurisdiction within areas beyond their corporate limits; and

Whereas, as pursuant to Arkansas Code Annotated 14-56-413, municipalities over 8,000 in population were authorized to exercise extraterritorial jurisdiction up to one mile beyond their corporate limits, and,

Whereas, Article III of the City of Conway zoning code, section 308.2 are hereby repealed, only as it relates to Territorial Jurisdiction

Whereas, Article 1 of the City of Conway Subdivision Regulations, section 3 are hereby repealed, only as it relates to Territorial Jurisdiction, and,

Whereas, Article 5 of the City of Conway Subdivision Regulations, section 9 are hereby repealed, only as it relates to Territorial Jurisdiction, and,

Whereas, Article 8 of the City of Conway Subdivision Regulations, section 5 are hereby repealed, only as it relates to Territorial Jurisdiction.

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

Section 1: The City of Conway, Arkansas shall, in keeping with State Law, Act 314 of 2025 surrender any oversight regarding the subdivision development outside of the City of Conway incorporated limits.

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

PASSED this 28th day of October, 2025.

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-25-_____

**AN ORDINANCE AMENDING THE CONWAY ZONING DISTRICT BOUNDARY MAP REFERENCED IN
 SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE 554 INGRAM STREET FROM R-
 2A TO R-2:**

Whereas, in accordance Arkansas Code Annotated § 14-56-416 has adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

Whereas, proper public notice was given, and the Conway Planning Commission held a duly authorized public hearing on **October 20, 2025**, and adopted the amendments.

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

SECTION 1: The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **R-2A** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

THE SOUTH 58 FEET OF NORTH 373 FEET OF WEST 150 FEET OF LOT 215, FIDDLAR'S SURVEY
 TO THE CITY OF CONWAY, ARKANSAS

to those of **R-2**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

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

PASSED this 28th date of October, 2025.

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer



1111 Main Street • Conway, AR 72032
(501) 450-6105 • planning@conwayarkansas.gov

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Lori Quinn, 2025 Planning Commission Chairwoman
Date: October 28, 2025

Re: Request to rezone the property located at 554 Ingram Street from R-2A to R-2

David Perry has requested to rezone property located at 554 Ingram St from R-2A to R-2, with the following legal description:

THE SOUTH 58 FEET OF NORTH 373 FEET OF WEST 150 FEET OF LOT 215, FIDDLAR'S SURVEY
TO THE CITY OF CONWAY, ARKANSAS

The property in question is a parcel that has been deeded from a historically platted 10-acre lot of the Fiddler's Survey to Conway in 1917. The property appears to be approximately 58' wide by 150' deep, or 8,700sf.

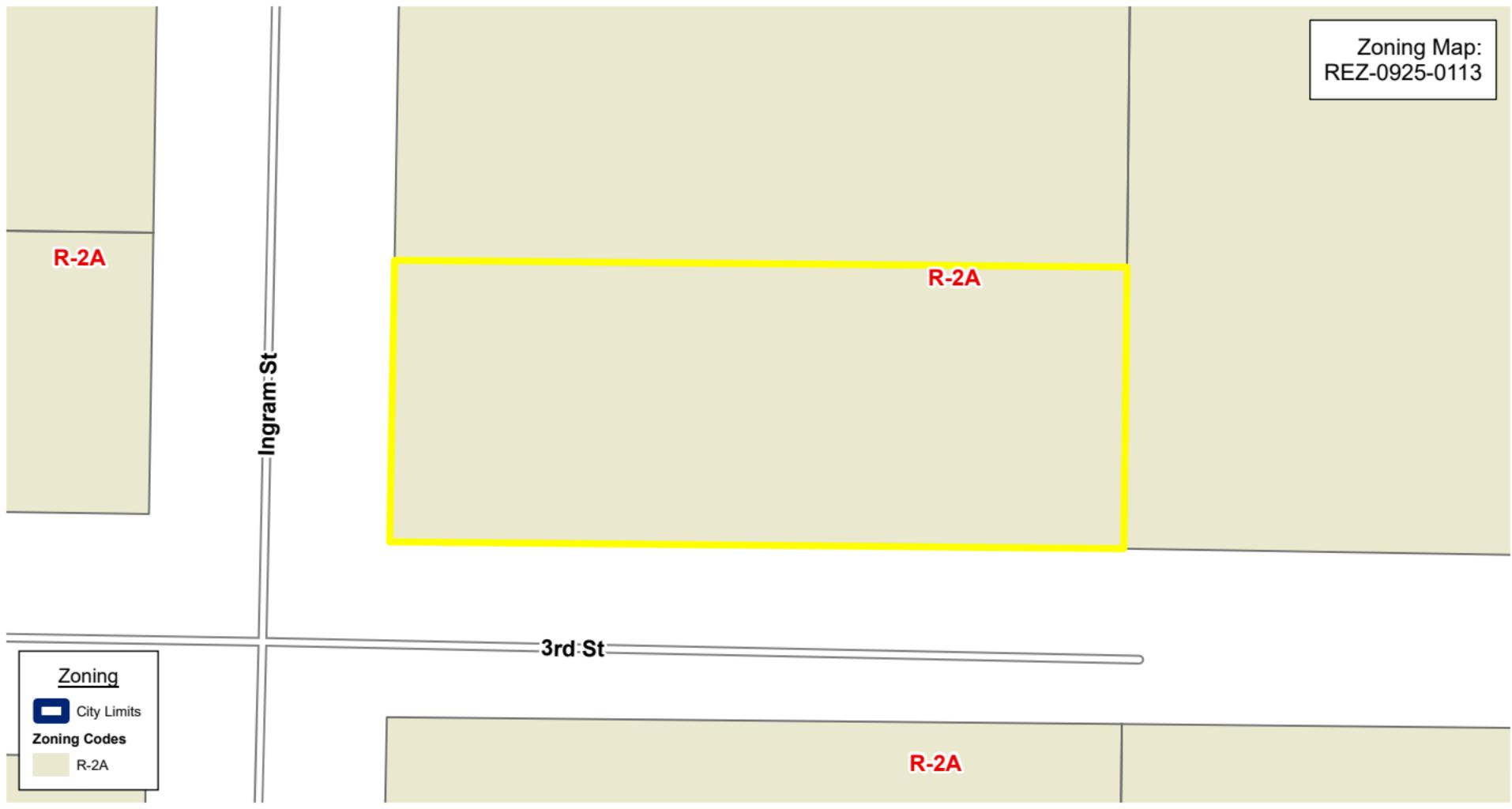
The applicant wishes to construct 1 duplex on the lot, but due to lot size and zoning, it can only accommodate a single-family home. R-2A zoning standards require a minimum of 10,000sf lot and 100' of lot width to construct a duplex. R-2 zoning standards require a minimum of 7,000sf lot and 50' of lot width to construct a duplex. In the event the existing home were to be demolished, a duplex would not be able to be constructed on site due to R-2A zoning standards.

The R-2A district has a dual purpose: it should provide areas for the development of two-family residential structures on larger lots; and it should facilitate conversion of one-family residences to two-family use in established developed areas. The R-2 district encourages the same basic restrictions as the R-2A district and permits a slightly higher population density area for family living protected from all commercial and industrial activity.

The property is wholly surrounded by R-2A zoning and single-family dwellings on the east side of Ingram St. There are a couple residential duplexes west of Ingram St down 3rd St. The Comprehensive Plan designates the area as Special Study Area. This area was established in the central city for refined and detailed land use considerations until a more formal pattern has been recognized.

The Planning Commission reviewed the request at its regular meeting on October 20, 2025, and voted 8-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.





MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Lori Quinn, 2025 Planning Commission Chairman
Date: October 28, 2025

Re: Conditional Use request to allow up to 24 units per acre in the C-3 zone for property located at 2760 Garden Grove Dr

Tyler Group, on behalf of Robert Sagheer, has requested to allow 24 units per acre density in the C-3 zone for property located at 2760 Garden Grove Dr, with the following legal description:

Being Lot-4A of Holiday Park Addition Lot-4 Replat, as shown in Plat of Record, Plat Book J
Page 19, Records of Faulkner County, Arkansas.

The applicant proposes a multi-phased multifamily development in the C-3 zoning district. The project is proposed to be 3 phases with each phase consisting of two eight-unit buildings. Adjacent properties consist of self-storage units, a multi-tenant retail/office building, and a daycare. As conditioned, a conditional use permit would likely not negatively impact adjacent properties and will allow for appropriate redevelopment of the property.

Staff proposes the following conditions:

1. The development is limited to a total of 48 apartment units.
2. Only one ingress/egress point is permitted off Garden Grove Dr and/or Holiday Dr. Cross access to adjacent lots will be required.
3. Vinyl siding as a primary cladding material shall be prohibited; vinyl siding/shingles may only be used on gables and dormers.
4. The development shall be subject to site development review in accordance with Article 10 of the Zoning Code.
5. Enhanced landscaping shall be provided along all parking areas with additional shrubs, installed in the form of a hedgerow, required to screen parking, mechanical equipment, and/or dumpster/trash enclosure.
6. The conditional use approval shall become null and void if construction for the use does not commence within 18 months from the date of approval of this permit.
7. All signage shall be permitted and installed in accordance with the Conway Sign Code.
8. Any changes to or expansion of the approved use shall require an amended or new conditional use permit.
9. The conditional use permit shall expire if the use ceases for a consecutive period of greater than 18 months.

The Planning Commission reviewed the request at its regular meeting on October 20, 2025, and voted 8-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.



OURY
design create make architect

THE RECORD COPY OF THIS DRAWING IS
ON FILE AT THE OFFICE OF OURY
DESIGN, 38 S. WASHINGTON AVE.
FAVETTEVILLE, AR 72701. THIS
ELECTRONIC DOCUMENT IS RELEASED
FOR THE PURPOSES OF REFERENCE,
COORDINATION, AND/OR FACILITY
MANAGEMENT. THE ELECTRONIC
DOCUMENT OR MODIFICATIONS
THEREOF SHALL NOT BE USED FOR
CONSTRUCTION.

GARDEN GROVE APARTMENTS FEASIBILITY STUDY - SITE

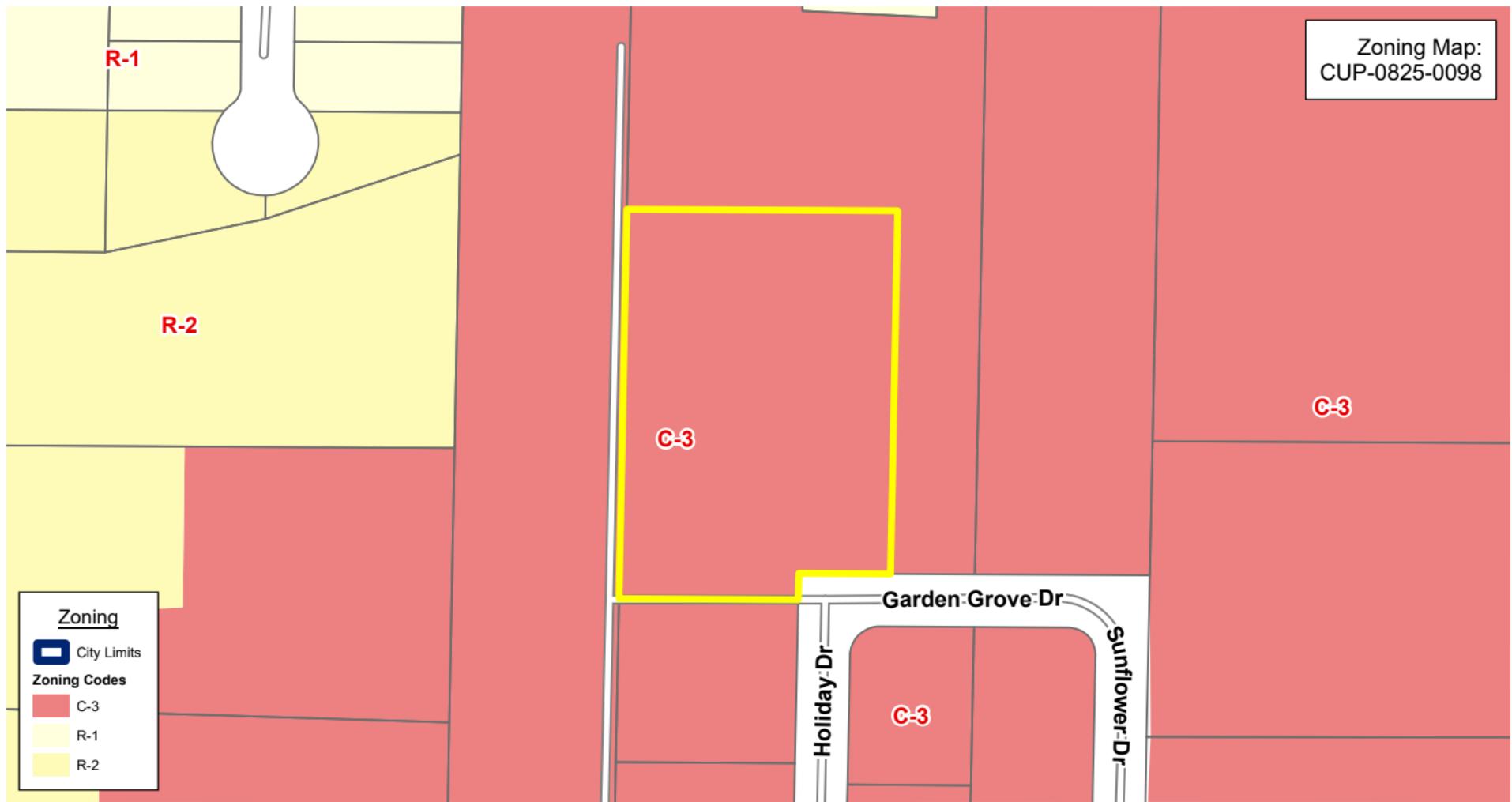
at
Garden Grove Drive, Conway, Arkansas
for
Bobby Sagheer

REVISION DATE

DATE: 01.28.2025
PROJECT NO. 24006
ARCHITECTURAL SITE PLAN
AND SURVEY

A000







City of Conway, Arkansas
Ordinance No. O-25-__

AN ORDINANCE APPROPRIATING FUNDS AND WAIVING THE COMPETITIVE BID PROCESS FOR LEGAL REPRESENTATION DURING THE CIVIL SERVICE COMMISSION HEARING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

Whereas, a hearing was held by the Conway Civil Service in the termination of an employee from the Conway Police Department; and

Whereas, upon recommendation by the Arkansas Municipal League, Fuqua Campbell, P.A. was retained to represent the Conway Police Department, specifically Chief Harris, during the proceedings; and

Whereas, budgetary authority for the additional purchase has not previously been provided.

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

Section 1. The City of Conway shall waive the requirements for obtaining proposals for the legal representation and shall appropriate funds in the amount of \$180,875.29 from the General Fund Balance Appropriation account (001.119.4900) to the Legal Services account (001.121.5220).

Section 2. This ordinance is necessary for the protection of the public peace, health and safety; an emergency is hereby declared for exist, and this ordinance shall be in full force and effect from and after its passage and approval.

Section 3. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 28th day of October, 2025.

Approved:

Mayor Bart Castleberry

Attest:

Denise Hurd
City Clerk/Treasurer