

## **TITLE 14**

### **ZONING**

#### **Chapters:**

- 14.04 Zoning Ordinance
- 14.08 Building Lines
- 14.12 Flood Damage Prevention Code
- 14.16 Sign Ordinance
- 14.20 Land Use and Planning Area Map
- 14.24 Wireless Communication Tower
- 14.28 Mobile Homes and RV Parks
- 14.32 Annexing Property

#### **CHAPTER 14.04**

### **ZONING ORDINANCE**

#### **Sections:**

- 14.04.01 Zoning ordinance
- 14.04.02 Enacted
- 14.04.03 Zone districts
- 14.04.04 Completion of existing buildings
- 14.04.05 Lot of record
- 14.04.06 Area not to be diminished
- 14.04.07 Zoning regulation text and map
- 14.04.08 Amendments

14.04.01 Zoning ordinance This ordinance in pursuance of the authority granted by the General Assembly of the state of Arkansas in Act 186 of 1957 Acts of Arkansas, as amended, shall be known as the Zoning Ordinance and may be cited as such. (Ord. No. 0-1595, Sec. 1.)

14.04.02 Enacted The zoning regulations set forth in the referenced document herein stated, after having a public hearing, and as adopted by the Ward Planning Commission on July

20, 1995, by Resolution #P-2-95 are enacted to implement the land use portion of the Comprehensive Development Plan for the city of Ward and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Ward, Arkansas, and to provide for efficiency and economy in the process of development for the appropriate and best use of land, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities. (Ord. No. 0-1595, Sec. 2.)

14.04.03 Zone districts For the purposes hereinbefore stated, the city has been divided into zone districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location, and size of buildings; open space and the uses of land, buildings and structures. In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts.

No proposed plat of any new subdivision of land shall hereafter be considered for approval by the City Planning Commission unless the lots within such plat equal or exceed the minimum requirements specified in the applicable land use zoning district of this ordinance. (Ord. No. 0-1595, Sec. 3.)

14.04.04 Completion of existing buildings Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of this Zoning Ordinance. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within sixty (60) days prior to the adoption of this ordinance, provided construction is started on said building within one hundred and eighty (180) days after adoption of this Zoning Ordinance. (Ord. No. 0-1595, Sec. 4.)

14.04.05 Lot of record Any lot or parcel of vacant land in any zoning district that was under separate ownership and on a plat of record at the time of adoption of this Zoning Ordinance, where no adjoining land fronting the same street was under the same ownership on the said date, may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width, or both, that are generally applicable to lots in the zoning district. (Ord. No. 0-1595, Sec. 5.)

14.04.06 Area not to be diminished The lot or yard areas required by this Zoning Ordinance for a particular building or use at the time of adoption of this ordinance or later constructed or established, shall not be diminished and shall not be included as part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this ordinance for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this ordinance. (Ord. No. 0-1595, Sec. 6.)

14.04.07 Zoning regulation text and map The Zoning Regulation Text, designated as “City of Ward Zoning Regulations, July, 1995,” and Zoning Map designated as “Official Zoning Map” is declared to be a part of this Zoning Ordinance by reference. The map, together with the legend, words, figures, symbols, dimensions, and explanatory material thereon, may be referred to variously as the Zoning District Map or the Official Zoning Map. The Official Zoning Map shall be kept by the City Clerk and shall be available for inspection and examination by the general public at all reasonable times as any other public record. (Ord. No. 0-1595, Sec. 8.)

#### 14.04.08 Amendments

### **Section 14.1 Zoning Enforcement Officer(s)**

For the purpose of this subchapter, the Code Enforcement Officer, his or her assistants, the Mayor, the Department Heads, or any individual assigned by the Mayor shall act as the “Zoning Enforcement Officer(s)” authorized to enforce the provisions of this code, including the responsibility and ability to make investigations, serve written notices, issue and process citations, and perform such other duties as are necessary or incidental to the enforcement of this code. (Ord. No. 0-1595A, Sec. 1.)

### **Section 15.3 Additional Regulations In Commercial Districts**

In commercial use districts, the following standards and provisions shall apply:

1. In the C-1 Quiet Business District, flashing or intermittent illumination signs are prohibited.
2. In the C-1 Quiet Business District, one identification sign not to exceed 64 square feet is permitted.
3. In the C-2 Business District, business signs may be erected subject to the following conditions:
  - a. The height of a sign or sign structure shall not exceed thirty-five (35) feet.
  - b. The gross area of a sign or sign structure, including framing but excluding supports, shall not exceed one hundred (100) square feet.
4. Freestanding Signs within one hundred (100) feet of U.S. Highway 67 may be erected subject to the following conditions:

- a. The height of a sign or sign structure shall not exceed fifty-five (55) feet.
- b. The gross area of a sign or sign structure, including framing but excluding supports, shall not exceed four hundred (400) square feet.
- c. The number and location of Freestanding Signs under this Section shall be at the discretion of the Planning Commission, with the final approval/disapproval being made by the City Council.

(Ord. No. 2016-08, Sec. 1.)

**Amendments to Ord. 2013-05**

That the City of Ward Zoning Regulations are hereby amended to incorporate the proposed amended language of the Ward Form Based Code Zoning Districts regulations and City of Ward Zoning Map. The language approved herein maintains the three form based code zoning districts with the minor amendments shown therein. (Ord. No. 2013-05, Sec. 1.)

**Amendments to Ords. O-1595 and O-2013-05**

The City of Ward Zoning Regulation and Zoning Map is hereby amended to revert zoning to the pre-Ward Form Based Zoning District zones while maintaining the Form Based Zoning Districts as an Overlay District (see attached).

**Ord. No. 2019-13** From R-1 to PUD

Part of the NE ¼ of S27, T5N, R9W,  
Lonoke County, AR

**CHAPTER 14.08**

**BUILDING LINES**

Sections:

14.08.01 Building lines

14.08.01 Building lines

- A. Building lines for plats located within the city limits shall conform to the following: Building lines shall be a minimum of thirty (30) foot setback from the property line; and,

- B. Lot lines for plats located within the city limits shall conform to the following: Setbacks shall be one (1) foot per every ten (10) feet of property frontage, but not less than a minimum of six (6) foot and shall not be required to exceed ten (10) feet from the lot line. (Ord. No. 0-194, Secs.1-2.)

## CHAPTER 14.12

### FLOOD DAMAGE PREVENTION CODE

Sections:

- |          |   |
|----------|---|
| 14.12.01 | Statutory authority                               |
| 14.12.02 | Findings of fact                                  |
| 14.12.03 | Statement of purpose                              |
| 14.12.04 | Lands to which this ordinance applies             |
| 14.12.05 | Methods of reducing flood losses                  |
| 14.12.06 | Flood Damage Prevention Code adopted by reference |
| 14.12.07 | Abrogation and greater restrictions               |
| 14.12.08 | Interpretation                                    |
| 14.12.09 | Warning and disclaimer of liability               |
| 14.12.10 | Compliance  |
| 14.12.11 | Penalty for non-compliance                        |

14.12.01 Statutory authority The Legislature of the state of Arkansas has in A.C.A. 14-268-101, et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of Ward, Arkansas, does hereby ordain as follows. (Ord. No. 0-2006-04, Sec. 1.)

14.12.02 Finding of fact

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of City of Ward in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Lonoke County, Arkansas and Incorporated Areas," dated March 21, 2019, with an effective Flood Insurance Rate Map (FIRM) dated March 21, 2019.

This ordinance, being necessary to maintain participating in the National Flood Insurance Program (NFIP) shall be in full force and effect from March 21, 2019. (Ord. No. O-2019-01, Sec. 2)

- B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately flood proofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.
- D. Flooding events in city of Ward are primarily riverine/lacustrian/ponding/shallow in nature and typically occur in Special Flood Hazard Areas categorized as Flood Zone A, and Flood Zone AE on the official flood maps for city of Ward. (Ord. No. 0-2006-04, Sec. 2.)

14.12.03 Statement of purpose The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;
- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;
- H. Minimize future flood blight areas to help maintain a stable tax base; and

- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area. (Ord. No. 0-2006-04, Sec. 3.)

14.12.04 Lands to which this ordinance applies The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the city of Ward, Arkansas. (Ord. No. 0-2006-04, Sec. 4.)

14.12.05 Methods of reducing flood losses This ordinance uses the following methods to accomplish the stated purpose:

- A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;
- B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;
- C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
- D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;
- E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands. (Ord. No. 0-2006-04, Sec. 5.)

14.12.06 Flood Damage Prevention Code adopted by reference There is hereby adopted by reference a Flood Damage Prevention Code for city of Ward, Arkansas. The code shall include:

- ARTICLE 1 DEFINITIONS
- ARTICLE 2 ADMINISTRATION
- ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the Mayor and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 0-2006-04, Sec. 6.)

14.12.07 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 0-2006-04, Sec. 7.)

14.12.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No. 0-2006-04, Sec. 8.)

14.12.09 Warning and disclaimer of liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. 0-2006-04, Sec. 9.)

14.12.10 Compliance Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 0-2006-04, Sec. 10.)

14.12.11 Penalty for non-compliance Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

- A. The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to:
  - 1. Issue cease and desist orders on non-compliant floodplain development projects;
  - 2. Issue citations for non-compliance;
  - 3. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
  - 4. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.



- B. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
- C. Any person found, in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than Five Hundred Dollars (\$500.00) per day for each violation. In addition, the defendant is subject to payment of all associated court costs and costs involved in the case. (Ord. No. 0-2006-04, Sec. 11.)

**CHAPTER 14.16**

**SIGN ORDINANCE**

Sections:

- 14.16.01 Purpose
- 14.16.02 Definitions
- 14.16.03 Temporary signs permitted in all zones
- 14.16.04 Removal requirements for temporary commercial signs
- 14.16.05 Removal or replacement of signs
- 14.16.06 Fine

14.16.01 Purpose The City Council of the city of Ward, Arkansas is enacting this ordinance to establish reasonable regulations for the posting of temporary signs on public and private property.

The Council finds that temporary signs provide an important medium through which individuals may convey a variety of non-commercial and commercial messages. However, left completely unregulated, temporary signs can become a threat to public safety as traffic hazard and detriment of property values and the city's overall public welfare as an aesthetic nuisance.

By enacting this ordinance, the Council intends to:

- A. Balance the rights of individuals to convey their messages through temporary signs and the right of the public to be protected against the unrestricted proliferation of signs;
- B. Further the objectives of the city's comprehensive plan;
- C. Protect the public health, safety and welfare;

- D. Reduce traffic and pedestrian hazards;
- E. Protect property values by minimizing the possible adverse effects and visual blight caused by temporary signs;
- F. Promote economic development; and
- G. Ensure the fair and consistent enforcement of the temporary sign regulations specified below. (Ord. No. 2002-03, Sec. 1.)

14.16.02 Definitions For the purposes of this ordinance, the following words have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

**Building lot** means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purposes of transfer of ownership.

**Commercial sign** means a sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including, without limitation, any sign naming a brand of goods or service and real estate signs, as further defined below.

**Post** means to erect, attach, or affix in any manner, including without limitation nailing, tacking, typing, gluing, pasting, painting, staking, marking, or writing.

**Public right-of-way** means the entire area between property boundaries: which is owned by a government, dedicated to public use, or impressed with an easement for public use; which is primarily used for pedestrian or vehicular travel; and which is publicly maintained, in whole or in part, for such use; and includes without limitation the street, gutter, curb, shoulder, sidewalk, sidewalk area, parking or parking strip, planting strip and any public way.

**Real estate sign** means a sign indicating the availability for sale, rent, or lease of the specific lot, building, or portion of a building upon which the sign is posted.

**Sign** means any writing, pictorial representation, illustration, decoration (including any material use to differentiate sign copy from its background), landscaping form, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner ribbon sculpture, statue, or any other figure or character that:

- A. Is a structure or any part thereof (including the roof or wall of a building); or
- B. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into landscaping or a structure of a board, plat,

canopy, awning, marquee, or vehicle, or upon any material object or device whatsoever; and

- C. By reason of its form, color, wording, symbol, design, illumination, or motion attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement of political or artistic expression or decoration; but
- D. Landscaping constitutes a sign only to the extent that it is planted, trimmed, graded, arranged, or installed in such a manner as to convey an explicit commercial message.

**Temporary sign** means a sign that is:

- A. Intended for a temporary period of posting on public or private property;
- B. Typically constructed from non-durable materials, including paper, cardboard, cloth, plastic, and/or wallboard;
- C. Does not constitute a structure subject to the city's Building Code and Zoning Code provisions. (Ord. No. 2002-03, Sec. 2.)

14.16.03 Temporary signs permitted in all zones Temporary signs may be posted on property in all zones of the city, subject to the following requirements and those applicable provisions stated elsewhere in the city's Sign Ordinance.

- A. The total square footage for temporary signs posted on a building lot in a single family home zone, in the aggregate, shall not exceed thirty-two (32) square feet, with no individual sign exceeding sixteen (16) square feet. The total square footage for temporary signs posted on a building lot in all other zones, in the aggregate, shall not exceed sixty-four (64) square feet, with no individual sign exceeding thirty-two (32) square feet. The total square footage of a sign is measured to include all of the visible display area of one side of the sign.
- B. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard including a tripping hazard.
- C. A temporary sign shall be designated to be stable under all weather conditions, including high winds.
- D. No temporary sign shall be illuminated or painted with light-reflecting paint.
- E. A temporary sign shall only be posted with the consent of the property owner or occupant.

- F. A temporary sign may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced.
- G. Temporary signs shall not be posted in the public rights-of-way. This restriction includes the posting of temporary signs on trees, utility poles, and other structures within the rights-of-way. (Ord. No. 2002-03, Sec. 3.)

4.16.04 Removal requirements for temporary commercial signs In addition to the requirements stated above, temporary commercial signs shall comply with the following requirements:

- A. A temporary real estate sign shall be removed within fourteen (14) days after the sale or occupancy of the property.
- B. All other commercial temporary signs, including those announcing yard sales and special events to occur on one or more particular dates, shall be removed within fourteen (14) days of the conclusion of the sale or event that the sign is promoting. (Ord. No. 2002-03, Sec. 4.)

4.16.05 Removal or replacement of signs

- A. The person who has posted or directed the posting of a temporary is responsible for the removal or replacement of that sign in accordance with this ordinance.
- B. If the person does not remove or replace the temporary sign in accordance with this ordinance, then the property owner or occupant of the building lot where the sign is posted is responsible for the sign's removal or replacement.
- C. The Code Enforcement Officer, members of the Police Department, or Mayor's designee are authorized to remove any temporary signs posted in violation of this ordinance that are not removed or replaced in accordance with the provisions above. Temporary signs posted on private property in violation of this ordinance shall be deemed a public nuisance and the Code Enforcement Officer, members of the Police Department, or Mayor's designee, may abate that nuisance in accordance with the nuisance abatement and abatement cost recovery procedures.
- D. The Code Enforcement Officer, members of the Police Department, or Mayor's designee may immediately remove temporary signs posted on public property or rights-of-way in violation of this ordinance and file a civil complaint against the person who posted the sign to recover the cost of removing the sign. (Ord. No. 2002-03, Sec. 5.)

14.16.06 Fine Violations of the provisions of this ordinance shall be an infraction and punishable by a fine of up to Five Hundred Dollars (\$500.00). Each day of a continued violation shall constitute a separate violation for purpose of applying the penalty provision of this ordinance. (Ord. No. 2002-03, Sec. 6.)

## **CHAPTER 14.20**

### **LAND USE AND AREA PLANNING MAP**

#### **Sections:**

14.20.01      Adopted

14.20.01 Adopted The Land Use and Area Planning Map, as amended and recommended by the Ward Planning Commission be hereby adopted by this amending ordinance. (Ord. No. WC-10-93A, Sec. 1.)

## **CHAPTER 14.24**

### **WIRELESS COMMUNICATION TOWER**

#### **Sections:**

14.24.01      Statement of purpose  
14.24.02      Definitions  
14.24.03      Location and application  
14.24.04      Development standards  
14.24.05      Collocation  
14.24.06      Conditions  
14.24.07      Abandonment  
14.24.08      Environmental Impact  
14.24.09      Review

14.24.01 Statement of purpose The purposes of these regulations are described as follows:

- A. To establish a system of administering requests for the siting of wireless communication towers in accordance with provisions of the Federal Telecommunications Act of 1996, as hereafter amended, or its successor.
- B. To minimize the number of new towers needed by encouraging the use of existing towers and existing public and private structures.
- C. To preserve the stability of land values of properties near and adjacent to proposed wireless tower locations.
- D. To protect the public health, safety, and welfare through the use of good engineering and urban design principles. (Ord. No. 2000-2, Sec. 1.)

14.24.02 Definitions

**Antenna Array** means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the support structure defined below.

**Attached Wireless Communications Facility (Attached WCF)** means an Antenna Array that is attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying poles or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and any Equipment Facility which may be located wither inside or outside the Attachment Structure.

**Collocation or site sharing** means use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

**Derrick tower** means a structure constructed of lattice steel and which is entirely self-supporting.

**Equipment facility** means any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and a buildout of an existing structure, pedestals, and other similar structures.

**FAA** means the Federal Aviation Administration.

**FCC** means the Federal Communication Commission.

**FTA** means the Federal Telecommunications Act of 1996, as hereinafter amended, or its successor.

**Guy-wired tower** is a structure constructed of lattice steel and which is supported by guy-wires extending at angles from the structure to ground anchors.

**Height.** When referring to a WCF, Height shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array.

**Monopole tower** is a supporting structure composed of a solid pole without any guy-wired support.

**Provider** refers to an entity providing wireless communication services through one or more antenna arrays located on a wireless communications tower.

**Setback** means the required distance from the WCF to the property lines of the parcel on which the WCF is located.

**Stealth technology** means systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.

**Support structure** means a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, guy-wire support tower, or derrick tower. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.

**Tower Use Permit (TUP)** means a permit issued by the city specifically for the location, construction and use of a WCF subject to an approved site plan and special conditions determined by the Planning Commission and City Council to be appropriate under the provisions of this article.

**Wireless communications** means any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

**Wireless Communication Facility (WCF)** means any unstaffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a support structure to achieve the necessary elevation. (Ord. No. 2000-2, Sec. 2.)

14.24.03 Location and application

- A. Tower Use Permit (TUP) for the following may be processed and approved, with necessary information and agreements through administrative review:
1. An attached Wireless Communications Facility (Attached WCF) to be attached to an existing monopole, tower, or structure.
  2. Facilities to be located in M-1 (Light Industrial) and M-2 (Heavy Industrial) zoning districts.
  3. Facilities to be located in parks or other public areas upon approval by the City Council and property owner(s). If the city staff does not approve a TUP for any of the above, the applicant may elect to apply for a Conditional Use Permit under the conditions set forth in Chapter 6.
- B. The following applications are subject to acquisition of a Special Use Permit under the conditions set forth in Chapter 6:
1. Facilities to be located in any residential use zoning district.
  2. Facilities to be located in any commercial use zoning district.
- C. All TUP applications for new tower construction will be considered only after the applicant has demonstrated to the satisfaction of the Planning Director and Director of Public Works that:
1. No existing towers or structures are located within the geographic area that would meet applicant's engineering requirements.
  2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Any such costs that exceed the cost of new tower development are presumed to be unreasonable.



6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- E. All applications shall include, in addition to the other requirements specified in Chapter 6, if applicable, a scaled site plan, a scaled elevation view and other supporting drawings. The applicant shall also submit calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment storage facilities, landscaping, parking, access, fencing, and if relevant as determined by staff, topography, adjacent uses, and existing vegetation. (Ord. No. 2000-2, Sec. 3.)

#### 14.24.04 Development standards

##### A. Height

1. An attached ACF shall not add more than 20 feet in height to the existing building or structure to which it is attached.
2. WCF with support structures shall have a maximum height of 200 feet in industrial and agricultural zones, 150 feet in commercial zones, and 100 feet in residential zones.

##### B. Setbacks

1. Attached WCF: Antenna Arrays for Attached WCF are exempt from the setback provisions of the zone in which they are located. An Attached WCF Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attached Structure so long as the Antenna Array does not encroach upon an adjoining parcel.
2. WCF with support structures shall meet the setback requirements for principal structures of the underlying zone in which they are located, except for residential zoning districts.
3. WCF with support structures abutting residential property on any side shall be set back from any adjoining property line a distance at least 50 percent of the height of the tower measured from the base of the tower to the property line of the residential lot. Guy-wired anchors shall meet the setback ordinance requirements of the specific district in which the WCF is located.

C. Landscaping and aesthetics

1. Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antenna or inhibits access to the equipment storage may be trimmed. Any trees in excess of six (6) inches in diameter to be cut must be indicated on the site plan.
2. WCF shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible. Such requirements shall not interfere with normal functioning of the WCF and may include the use of compatible or neutral colors, or stealth technology.

D. Lighting

1. WCF shall not be artificially illuminated, directly or indirectly, except as may be required by state or federal law or for security of the equipment building. It shall be the owner's responsibility to meet FAA lighting requirements, if necessary.
2. WCF shall not display any signage or message of a commercial nature except for an inconspicuous message containing provider identification and emergency telephone numbers.
3. Security Fencing: WCF with support structures shall be enclosed by a security fence not less than six (6) feet. (Ord. No. 200-2, Sec. 4.)

14.24.05 Collocation

- A. All WCF with supporting structures shall be designed to accommodate a minimum of three antenna arrays where technically feasible and visually desirable.
- B. All applicant for WFC with supporting structures are required to execute a statement upon filing the application agreeing to allow collocation of other WCF providers at a lease rate not to exceed the commonly accepted market terms as determined by the city of Ward.

14.24.06 Conditions

- A. Support structures for wireless communication facilities shall be of the monopole type construction in all zones except I-1, I-2, and C-1.
- B. Structures in I-1 and I-2 zones may be of derrick tower or guy-wired supported tower construction.

- C. Structures located in the C-1 zone shall use Stealth Technology with a design to be approved by the Planning Commission and the City Council. (Ord. No. 2000-2, Sec. 6.)

14.24.07 Abandonment

- A. Agreements accompanying a request for new supporting structures or attached WCF shall include the following to be executed with the city of Ward:
- B. Any Wireless Communication Facility (WCF) whose use is discontinued shall be removed by the owner, and shall be reported to the city of Ward immediately. All discontinued facilities shall be removed within six months and the site restored to its original condition, all at the owner's expense.
- C. Any discontinued WCF not removed within six months may be removed by the city at the owner's expense. (Ord. No. 2000-2, Sec. 7.)

14.24.08 Environmental impact

- A. Assessments of environmental impact are required by federal law to be prepared by personal wireless service carriers when the following environmental impacts occur:
  - 1. Facilities are located in officially designated wilderness or wildlife areas.
  - 2. Facilities threaten endangered species or critical habitats.
  - 3. Facilities affect historic sites or structures
  - 4. Facilities are to be located in flood plains.
  - 5. Facilities will significantly change a surface area involving wetlands, deforestation, or water diversions.
- B. Since these assessments are already required by federal law, these provisions are incorporated into this ordinance and certification of compliance with the national Environmental Policy Act (NEPA) (43 U.S.C. Section 4321) must be provided before any permits will be issued. (Ord. No. 2000-2, Sec. 8.)

14.24.09 Review The city of Ward shall complete final action upon any TUP within 90 days of the filing of the application unless a request for extension is filed by the applicant. Any decision to deny a request will be made in writing and will be supported by substantial evidence contained in a written record. (Ord. No. 2000-2, Sec. 9.)

## CHAPTER 14.28

### MOBILE HOMES AND RV PARKS

#### Sections:

14.28.01	Purpose
14.28.02	Definitions
14.28.03	Applicability
14.28.04	Licensing
14.28.05	Fees
14.28.06	Preliminary consultation
14.28.07	Water, wastewater, sewage, electrical distribution, plumbing, and refuse handling requirements
14.28.08	Specific requirements
14.28.09	General requirements
14.28.10	Occupancy
14.28.11	Waivers/variances

14.28.01 Purpose It is the purpose of this ordinance to promote the health, safety, convenience, and general welfare of the inhabitants of the city of Ward, Arkansas, and to regulate mobile homes and RV Parks within the city of Ward to insure the development and maintenance of well-planned parks. (Ord. No. 0-2009-01, Sec. 1.)

#### 14.28.02 Definitions

**Recreational vehicle (RV)** All vehicles and portable structures built on a chassis, designed as a temporary dwelling for travel, recreation, or vacation use, to include but not be limited to motor home, van, pickup camper, recreational trailer, park trailer or tent trailer.

**Recreational vehicle park (RV park)** Any plot of ground on which two or more RVs, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

**Recreational vehicle space** A plot of ground within a RV part designed for accommodation of one RV. (Ord. No. 0-2009-01, Sec. 2.)

#### 14.28.03 Applicability

- A. An RV park or regulated expansion of an RV park shall be considered a land development and the application for the development of an RV park shall be process in accord with all of the procedures established for subdivision and land developments set forth in the Subdivision Regulation of the city of Ward, Arkansas.

- B. The requirements of this ordinance shall apply to any tract of land developed under the ownership or management of any person, firm, or corporation for the purpose of locating two or more RV's. This ordinance is applicable to new as well as existing parks wishing to expand.
- C. These standards shall be required for RVs and RV parks in which sites will be rented for transient use. The rules and regulation herein shall not apply to RV's maintained for personal and immediate family use on one's personal property. In other words, the provisions of this ordinance do not apply to someone parking and using (temporarily) an RV on their private property. Such use is governed by other applicable ordinances. (Ord. No. 0-2009-01, Sec. 3.)

#### 14.28.04 Licensing

- A. It shall be unlawful for any person to construct, maintain, or operate any RV park within the limits of the city of Ward, Arkansas, unless he or she holds a valid license (permit) issued by the city to do so.
- B. The applicant shall make application to the city, in writing, using the form provided in attachment one of this ordinance. (Ord. No. 0-2009-01, Sec. 4.)

14.28.05 Fees In addition to any business license fee required by applicable city of Ward ordinances, an additional and annual Twenty-Five Dollar (\$25.00) fee shall be assessed per each RV space. Payment must be made at the time of issuance of the permit to operate and shall be payable annually (calendar year) thereafter. (Ord. No. 0-2009-01, Sec. 5.)

14.28.06 Preliminary consultation Prior to making application for an RV park, prospective applicants are encouraged to discuss the site plan with appropriate city of Ward officials to include but not limited to the Planning Commission, Water/Wastewater Department and Fire/Code Enforcement Department. The purpose of these meeting is to eliminate as many potential problems that may arise and to allow the application process to proceed without delay. There is no fee for a pre-application consultation. However, this free service shall not include extensive field inspection or extensive correspondence. (Ord. No. 0-2009-01, Sec. 6.)

14.28.07 Water, wastewater, sewage, electrical distribution, plumbing, and refuse handling requirements All utility and refuse handling must be in accordance with *Arkansas Department of Health Rules and Regulation Pertaining to Mobile Home and Recreational Vehicle Parks* and any other applicable statute, ordinance or health department regulation. No license or permit shall be issued for an RV park pursuant to this ordinance absent a copy of an Inspection and Approval Letter issued by the Arkansas Department of Health specific to the site and location of the license or permit sought. (Ord. No. 0-2009-01, Sec. 7.)

14.28.08 Specific requirements

- A. Density Density shall not exceed an overall density of ten (10) RVs per acre.
- B. RV requirements All RVs allowed in an RV park shall be currently licensed, insured and ready for highway use. An RV is ready for highway use if it is on its wheels or jacking system with wheels attached, is attached to the site only by a quick disconnect type utilities and other security devices, and has no permanently attached porches, cabanas, or other additions.
- C. Minimum RV park site area 5 acres, and all lands proposed shall be contiguous.
- D. Minimum setback of any on-site building or RV from any public street right-of-way is 25 feet.
- E. Minimum setback of any on-site building or RV from an adjacent residential use property line is 50 feet.
- F. Minimum setback from any private access street is 5 feet.
- G. Minimum distances between RVs shall be as follows:
  - 1. Front to front with access streets: 40 feet
  - 2. Side to side: 15 feet
  - 3. End to end: 15 feet
  - 4. Side to end: 15 feet
- H. No permanent structures shall be attached to an RV.
- I. Site access Individual sites and parking spaces shall have direct access to the interior park street system. Sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the RV Park and providing access to other parcels or developments. (Ord. No. 0-2009-01, Sec. 8.)

14.28.09 General requirements

- A. A record of every rented space is required to be maintained for a minimum of two years. At minimum, maintain the following on each RV renting space.
  - 1. Name and permanent address of owner
  - 2. Make, model, year, and license tag number
  - 3. Date arrived and date departed

- B. No barnyard animals or poultry shall be permitted in an RV park.
- C. Dog, cats, or other pets are not permitted to run at large or commit any nuisance within the park. Exception: Dogs are permitted to run off-leash provided an area of sufficient size is set aside within the RV park and that area is enclosed in chain link or privacy fence. (Ord. No. 0-2009-01, Sec. 9.)

14.28.10 Occupancy

- A. No RV or RV space shall be used as a permanent residence.
- B. The maximum length of stay for occupants shall be no more than one hundred eighty (180) calendar days.
- C. RV owners who wish to stay beyond the 180 days, must request a waiver from the Ward Planning Commission. Such waiver shall not exceed an additional 180 days' length of stay.
- C. The maximum number of occupants in any one RV shall be limited to the RV;s rated occupancy rate. (Ord. No. 0-2009-01, Sec. 10.)

14.28.11 Waivers/variances Requests for waivers and/or variances must be presented to the Ward Planning Commission. (Ord. No. 0-2009-01, Sec. 10.)

**CHAPTER 14.32**

**ANNEXING PROPERTY**

Sections:

14.32.01 Annexing

14.32.01 Annexing

Ord. No. C-2-84      S ½ of Sec. 34, Twp 5 N, Range 9 West  
                               N ½ of Sec. 34, Twp 5 N, Range 9 West  
                               Part of SW ¼ of Sec. 34, Twp 5 N, Range 9 West  
                               Part of SW ¼ of Sec. 34, Twp 5 N, Range 9 West  
                               All of SE ¼ of Sec. 33, Twp 5 N, Range 9 West

- Res. No. WR-1-84 Part of S ½ of Sec. 34, Twp 5 N, Range 9 West  
Part of N ½ of Sec. 34, Twp 5 N, Range 9 West
- Part of SW ¼ of Sec. 34, Twp 5 N, Range 9 West
- Res. No. C-37-84 Part of S ½ of Sec. 34, Twp 5 N, Range 9 West  
Part of N ½ of Sec. 34, Twp 5 N, Range 9 West  
Part of SW ¼ of Twp 5 N, Range 9 West
- Ord. No. C-5-85 Part of NE ¼ of Sec. 35, Twp 5 N, Range 9 West
- Res. No. WR-1-86 Part of S ½ of Sec. 34, Twp 5 N, Range 9 West  
Part of SE ¼ of Sec. 33, Twp 5 N, Range 9 West  
Part of SW ¼ of Sec. 27, Twp 5 N, Range 9 West
- Res. No. WR-5-86 Part of SW ¼ of Sec. 33, Twp 5 N, Range 9 West  
Part of SW ¼ of Sec. 34, Twp 5 N, Range 9 West  
Part of E ½ of Sec. 28, Twp 5 N, Range 9 West  
Part of SE ¼ of Sec. 27, Twp 5 N, Range 9 West
- Ord. No. 89-10 Four Tracts
- Ord. No. WC-3-93 Part of Sec. 9, Twp 4 N, Range 9 West
- Ord. No. 0-394
- Ord. No.0-396 NW ¼ of Sec. 3 Twp 4 N, Range 9 West
- Ord. No. 0-298 Part of NW ¼ of Sec. 3, Twp 1 N, Range 9 West
- Ord. No. 0-1798 Part of SW ¼ of Sec. 3, Twp 4 N, Range 9 West
- Ord. No. 2004-3 NW ¼ of Sec. 34, Twp 5 N, Range 9 West
- Ord. No. 0-2007-04 Part of NE ¼ of Se. 27, Two 5 N, Range 9 West
- Ord. No. 0-2008-02 Part of SW ¼ of Sec. 10, Two 4 N, Range 9 West
- Ord. No. 2008-04 Part of SW ¼ of Sec. 10, Two 4 N, Range 9 West  
Part of NW ¼ of Sec. 3, Two 4 N, Range 9 West
- Ord. No. 2011-07 Part of SW ¼ of Sec. 10, Twp 4 N, Range 9 West
- Ord. No. 2014-06 Part of SW ½ of Sec. 9, Part of the NE ¾, NW ¼, Sec. 16, T-4-N, R-o-W
- Ord. No. 2015-01 See Ordinance 2015-02
- Ord. No. 2015-02 Part of NE ¼ of NE ¼ of Sec. 16, Twp 4 N, Range 9 West
- Ord. No. 2015-03 Lots one (1), two (2), and three (3) block fifty eight (58) town of Old Austin also known as Oakland Grove.
- Ord. No. 2018-01 Part of South St, part of Erwin St., part of Dogwood Dr., and a part of Blocks 60 and 73, Town of Oakland Grove (AKA Old Austin), Record Book G Pages 198 through 201, Lonoke County, Arkansas
- Ord. No. 2019-10 Oakland Grove. Part of the N ½ of the NE ¼ of S.16, T-4-N, R-9-W  
These lands are assigned to Ward 3 of the City of Ward and zoned R1