

BYLAWS
OF THE
CITY OF WARD
PLANNING COMMISSION

OUTLINE

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WARD PLANNING COMMISSION

(Authorized pursuant to the City of Ward Ordinance #W-1-93)

ARTICLE I. PURPOSE OF THE BYLAWS

It is the intent of these bylaws to prescribe the organization of the Ward Planning Commission and to establish orderly, equitable, and expeditious procedures for the conduct of its affairs to the end that all may be informed and the public well served.

ARTICLE II. THE COMMISSION

A. Members and Terms

1. The membership and the terms of service shall be as stipulated by city ordinance #W-1-93.
2. Members who are appointed to fill vacancies for unexpired terms shall join the commission at the next meeting following their appointment and confirmation.
3. The appointing authority shall have the power to remove any member of the Commission for cause and after public hearing, provided, however, any member of the Commission who shall be absent from three or more consecutive regular meetings may be removed from office without hearing upon certification of such fact by the Secretary of the Commission to the Mayor.

B. Officers

1. The Chairman and Vice-Chairman
 - a. The offices of Chairman and Vice-Chairman shall be filled for terms of one year each.
 - b. The Chairman shall preside at all meetings and hearings of the Commission. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside. In the event of the absence or disability of both the Chairman and Vice-Chairman at any meeting, the oldest appointive member in point of service shall act as Chairman during such meeting.

- c. The Chairman shall present to the Commission for its approval the names of all persons appointed to committees established by the Commission. The Chairman shall designate one member of such Committee to serve as the Committee Chairman.
- d. The Chairman shall sign all approved minutes, and when authorized, other documents on behalf of the Commission.

2. Secretary

- a. The office of Secretary shall be filled for terms of one year each.
- b. The Secretary shall attend all meetings of the Commission and shall be responsible for :
 - (1) Keeping the minutes of each meeting.
 - (2) Carrying on routine correspondence.
 - (3) Maintaining the files of the Commission.
 - (4) Maintaining a record of the rules and regulations of the Commission.
 - (5) Current membership of the Commission with their terms of office.
 - (6) Maintaining a record of the organization of the Commission and its staff.
 - (7) Preparing the agendas of items to be considered at a meeting.
 - (8) Attesting documents of the Commission.
- c. The Secretary shall attend all committee meetings and shall serve as the secretary of all committees and, at the discretion of the Chairman of all committees. The Secretary shall advise the Committee on request.

ARTICLE III. COMMITTEES

1. All Committees shall be made up of the Planning Commission and charged with such duties as the Commission deems necessary or desirable.
2. The Subdivisions Committee shall be composed of all Planning Commission members and the City Engineer.

The Committee shall act as a review body for all conditional use, site plan and planned unit development issues in addition to planning matters.

In addition, there shall be appointed as nonvoting members, one staff member from the public utilities (Water and Wastewater). The utility membership shall be allowed participation in discussions and preparation of the Committee recommendations.

ARTICLE IV. MEETINGS

A. Regular Meetings

1. Date

The Commission shall, at the last regular meeting of each year, adopt a calendar of regular meeting dates for the forthcoming year as required by ordinance.

2. Time

The Commission shall meet regularly as indicated by the adopted calendar.

3. Place

The Commission shall meet regularly in the City Hall or such other place as directed by the Chairman.

4. Agenda

All agenda items shall be in the Secretary's office ten (10) days prior to any regular meetings.

5. Notice

a. To the Commissioners

The mailing of a copy of the agenda to each Commissioner one week prior to the date set for the meeting shall constitute notice of such meeting. On the morning of the day of a meeting, each Commissioner shall be reminded of the meeting by telephone by the Secretary.

b. To Affected Parties

Notice to effected parties shall be provided as specified in paragraphs (1) through (4) below.

NOTICE

1. Before a proposed revision in the boundary of a zoning district may be recommended by the Planning Commission to the City Council, it must be the subject of a public hearing. Notice of the public hearing on the rezoning petition shall be published in a newspaper of general circulation in the City at least one (1) time, (15) days prior to the hearing. The owner or applicant shall pay the cost of publication of said notice. Additionally, the administrative official shall cause the owner to place a sign in a conspicuous place on the site of property proposed for rezoning indicating the date and place of the public hearing on the rezoning proposal, said sign to be placed on-site not fewer than fifteen (15) days prior to the date of the hearing. The City will furnish the required sign.

HEARING and APPROVAL

2. If all procedural requirements above are satisfied, the Planning Commission and the City Council shall proceed in the following manner:

A)..The planning Commission shall conduct the public hearing on the proposed amendment to the Ordinance and/or Official Zoning Map.

B)..Following the public hearing, the proposed amendment or change of district boundary may be approved as presented or in modified form by a majority vote of the Planning Commission with recommendation for adoption by the City Council.

C)..If the Planning Commission disapproves a proposed amendment or rezoning petition, the reason for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the hearing.

2. Supplemental Notice of Special Permit use see all requirements in paragraph # 1.
3. All issues submitted for public hearing as directed by Section _____ of the Zoning Ordinance, No. _____, or by section _____ of the Subdivision Ordinance, No. _____, shall provide notice as follows:

A)...In each instance where review by the Subdivision Committee is required, the Committee shall determine the need for supplemental notice. The Committee shall set the date, content and form for such notice and name the party responsible for compliance with the requirements. The record of the Committee meeting shall reflect the instructions given so as to make record of the requirements or record the notice was required.

B)..It shall be the responsibility of the owner or agent of record to accomplish the notice and bear the cost of the notice.

4. Notice of Amended Rezoning Applications

If an application for rezoning is amended to a more restrictive zoning classification by the applicant or the Commission at a Commission meeting, the Commission may, by majority vote of the members present at the meeting, waive publication of a legal notice, waive posting of a notice on the property shall also be required. The Commission may waive the filing fee in such a case, by majority vote of members present at the Commission meeting.

B. Called Meetings

1. Special meetings may be called by the Chairman, or at the request of the Secretary, or by a quorum of the Commissioners, or by a majority of those present at a regular or called meeting. Notice of such meeting shall be given as prescribed for a regular meeting unless such called meeting is to be held within less than three (3) days, in which case, notice by telephone call shall suffice. Announcement of a special meeting at any meeting at which all members are present shall be sufficient notice of such meeting.
2. Under extraordinary conditions, an emergency meeting may be called at the direction of the Chairman - by telephone and without other notice.

C. Adjourned Meetings

1. Where all applications cannot be disposed of on the day set, the Commission may adjourn from day-to-day or as necessary to complete the hearing of all items docketed. A majority vote of all present shall be required to adjourn.

D. Informal Meetings

The Commission may, at any time, meet in an informal meeting to discuss any and all matters or to confer with staff members. No business shall be transacted during such informal meetings nor shall notice to all Commissioners of such meetings be required.

E. Executive Sessions

The Commission may, either before, during or after any meeting, sit in executive or private session. No official business shall be transacted during such session except privilege matters relating to personnel as allowed by law.

ARTICLE V. CONDUCT OF BUSINESS

A. Order of Agenda

All meetings shall be conducted in accordance with the agenda which shall enumerate the topics and cases in the following sequences:

1. Roll Call
2. Finding of a quorum
3. Approval of previous minutes as mailed
4. Old Business
5. New Business
6. Adjournment

B. Order of Hearing

At a hearing, the order shall be as follows:

1. Announcement of the subject by the Chairman.
2. Summary of proposal and report of staff findings and recommendation by Secretary/staff.
3. Subdivision Committee Chairman presents Committee recommendation (on subdivision matters).
4. Petitioner's or applicant's presentation
5. Objector's or interested property owner's presentation.
6. Petitioner's rebuttal.
7. Commission vote on the request as filed.
8. Additional motion of Commission as may be required to dispose of an issue (such motion shall be placed in the positive).

C. Standard Rule of Procedure

Except as may otherwise be set forth in these Bylaws, parliamentary procedure shall be as prescribed in the latest edition of Roberts Rule of Order, Revised. Procedural provisions of these Bylaws may be suspended with the consent of three fourths (3/4) of those Commission members present.

D. Special Rules of Procedure

1. Quorum

A quorum for the transaction of business shall be three (4) members as stipulated by ordinance.

2. Vote and Proxy

Each Commissioner, including the Chairman, shall be entitled to one (1) vote. No Commissioner shall cast a vote for another Commissioner by proxy. Any member of the Commission who shall have an economic interest in any property or decision relating to such property, which shall be the subject matter of, or affected by, a decision of the Commission shall be disqualified from participating in the public discussion or proceeding in connection therewith. In the event that any member of the Commission is uncertain as to whether or not a conflict of interest exists, that member should obtain an opinion from the Office of the City Attorney before either participating in the discussion or voting on the rezoning application or subdivision matter in question.

3. Motion and voting

Any matter of business requiring action by the Commission may be presented by oral motion, and the members present may vote thereon by simple voice vote. In case of split vote, the Chair may ask for a roll call vote. The minutes shall indicate voting to be "denied" or "passed" and the name of any abstainer. Voting on election of officers in which there is a contest shall be by secret, written ballot.

4. Majority Vote

- (a) A simple majority of those members present at a meeting shall be sufficient to approve any administrative or procedural action.
- (b) An approval or a denial of an issue shall constitute final action. A majority vote of the full Commission shall be required in order to take final action on any issue requiring Planning Commission approval at a public hearing.
- (c) In those instances where a majority vote of the full Commission cannot be obtained to take final action, the matter before the Commission shall be automatically deferred until the next scheduled meeting. One (1) automatic deferral shall be allowed on any matter before the Commission which requires subsequent action by the City Council. If the Commission fails to resolve the matter at the rehearing and enough votes for final action cannot be obtained, the following shall apply:

In those instances where the action before the Commission fails to receive the required four votes at the second meeting, such matters shall be forwarded to the City Council without a recommendation from the Planning Commission. The minute records of the hearing and the City Council's communication shall reflect the motions and voting on the matter so as to fully convey to the Planning Commission the record for such matters.

5. Conduct of Hearing

Public hearings shall be conducted informally, and the Chairman shall make all ruling and determinations regarding the admissibility of the evidence, the scope of the inquiry, the order in which evidence, objections and arguments shall be heard, and other like matters, except that any member shall be privileged to make inquires personally and to call for a vote on any ruling of the Chairman with which he does not agree, whereupon the vote shall determine the effective ruling. It shall be the purpose of the Chairman to expedite all hearings, confining them to the presentation of only essential matters in the interest of saving time, but entertaining the presentation of sufficient matter to do substantial justice to all concerned.

E. General Policies

1. Formal Action

No request for advise may be acted upon formally by the Commission.

2. Closing of Docket

No application for a change in zoning, subdivision plat approval, etc., shall be submitted to the Commission, or prepared by the Secretary for submission, unless the same has been filed in the required fashion and no later than the docket date established by the adopted calendar. The Commission shall investigate and consider each application, advertise the hearing, and present its findings, on an area wide basis rather than an individual site basis.

3. Open Meetings

All meetings of the Commission shall be open to the public as required by law (other than executive session - Article IV. E.).

4. Public Hearings

All items for which Commission action is required by law or ordinance shall be made the subjects of open public hearings, and after public notices as prescribed by law or ordinance.

5. Public Records

All minutes of Commission meetings and all petitions, applications, reports and other documents on which action has been taken by the Commission shall be open to the public and available for inspection at reasonable times.

6. Zoning Calendar

All items requiring Planning Commission and subsequent City Council review shall be considered only at a regular and scheduled meeting date. Applications having been considered and recommended for approval by the Planning Commission will be forwarded by the Secretary to the City Council for Consideration.

Applications which are recommended for denial by the Planning Commission will be automatically referred to the City Council. Persons who desire to appeal such a decision shall be notified of the procedure.

7. Reconsideration of Denied or Amended Applications

a. Expunging Action

The Commission may, when it deems necessary and for cause, expunge any motion and subsequent action in order to introduce a substitute motion for other action. The motion to accomplish such shall be made immediately and preceding the introduction of the next item of business on that agenda. When an item has been voted on and passed over for the next item of business, it shall not be recalled at the meeting for further action.

b. Reconsideration

Except for cause and with the unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration or action. If consideration is granted by the Commission, the case will be rescheduled for the next regular meeting, a new application will be made (new fees, legal ad, and adjacent property owners renotified so that they may have an opportunity to hear any new evidences and to be heard).

c. Reapplication

Except for cause and with the unanimous consent of all members present at a regular meeting, no application for rezoning of a property shall be considered if a former application embracing the same property or portion thereof has been denied by the Commission or the City Council within a period of 12 months preceding the application. If the Commission decides to rehear a case, it will require new fees, legal ad, notice to owners, etc., as required for new applications.

d. Withdrawals

No application which has been docketed for public hearing and advertised for such hearing shall be withdrawn, except as follows:

- 1) Except for cause and with a written request, five working days prior from the applicant of record no case shall be withdrawn.
- 2) When the public hearing has already been advertised, the Commission must authorize the withdrawal by motion in the public hearing.
- 3) In the event the case is withdrawn after the public hearing has been advertised, that same case shall not be resubmitted for a period of one year.
- 4) No applicant shall be allowed to withdraw an application during the public hearing. Specific action must be taken by the Planning Commission to remove an item from the agenda.

9. Deferrals

No application which has been docketed for public hearing and advertised for such hearing shall be deferred, except as follows:

- a. Except for cause and with a written request five working days prior from the applicant of record no case shall be deferred.

- b. In the event a case may require an additional deferral, a renotification of property owners shall be required.
- c. No single request for deferred shall be granted for more than ninety consecutive days, except by unanimous vote of all members present.
- d. In no case shall more than two requests for deferral from an application be granted.
- e. In the public hearing, the Planning Commission may for cause defer an application on its own motion. The length of deferral shall be specified by the Commission in the motion.

10. Applicant Attendance at Meeting

The applicant, on each item docketed, shall be present or represented at the meeting and prepared to discuss the request.

11. Precedents

No action of the Commission shall be deemed to set a precedent. Each item docketed shall be decided upon its own merit and circumstances attendant thereto.

12. Dissent

If a member of the Ward Planning Commission wishes to dissent from a majority opinion of the Commission, he or she shall communicate a written minority opinion to the following:

- a. All Members of the Planning Commission
- b. The Secretary of the Planning Commission
- c. The City Attorney
- d. The City Council

ARTICLE VI. AMENDMENTS

These bylaws may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Commission. A proposed amendment, or a motion to repeal shall first be presented in writing at a regular meeting and placed on the agenda of subsequent regular meetings for action, unless ten days written notice has been given to all Commissioners, in which case action may be taken at any regular or called meeting.

ATTEST: _____

Secretary: _____

Chairman: _____

CITY OF WARD

ZONING REGULATIONS

JULY, 1995

CITY OF WARD
ORDINANCE # O-1595

AN ORDINANCE ADOPTING ZONING REGULATIONS AND ZONING
MAP AS ADOPTED BY THE WARD PLANNING COMMISSION JULY 20,
1995, for other matters relating thereto, and declaring an emergency

WHEREAS, the Planning Commission of the City of Ward, Arkansas has adopted zoning regulations by Resolution # P-2-95 for the betterment of the city and its inhabitants; and,

WHEREAS, it is necessary for the City of Ward, Arkansas (the "City") to adopt the Zoning Regulations and Map as recommended to the Ward City Council by the Ward Planning Commission;

NOW, THEREFORE, Be it ordained by the City Council of the City of Ward, Arkansas:

SECTION 1. 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.

SECTION 2. 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.

SECTION 3. 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.

SECTION 4. 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.

SECTION 5. 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.

SECTION 6. 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.

SECTION 8. 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.

SECTION 9. All other ordinances or parts thereof, shall be repealed to the extent of conflict.

SECTION 10. The provisions of this ordinance are separable and if a section, phrase, or provision shall be declared invalid, such declaration shall not effect the validity of the remainder of this ordinance.

SECTION 11. Because the City of Ward is experiencing rapid growth, and there are no zoning regulations in place at this time to provide for an organized fashion of growth; it is therefore necessary, for the public health, peace, and safety of the citizens of Ward, to declare an emergency to exist. This Ordinance shall therefore be in full force and effect immediately upon passage.

ADOPTED this 25th day of July, 1995.

SIGNED: Larry Phillips
MAYOR

ATTEST: Joyce A. Galt
RECORDER-TREASURER

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SECTION 1.0 PURPOSE, AUTHORITY, JURISDICTION

1.1 Purpose

The purpose of the regulations set forth herein is to promote the health, safety, and the general welfare of the citizens of the City of Ward, to provide efficient and economical means for civic development; to secure safety from fire and panic; control overcrowding of land; provide adequate light and ventilation; avoid concentration of population, and facilitate ease of provision of transportation, parks, utilities, schools and other public requirements.

1.2 Authority

These regulations are prepared in pursuance of the authority granted by the Legislature of the State of Arkansas in Act 186 of 1957, as amended.

1.3 Effective Date

These regulations shall become effective upon adoption by the City of Ward City Council as referenced by City Ordinance Number ??.

1.4 Building Permit Required

A. After the effective date of these regulations, a City of Ward building permit shall be required before work may be commenced on the construction or the excavation for the construction of any building or structure, or the moving or alteration of any building within the city limits of Ward.

B. A permit to build will be issued only after the application has been approved by the enforcement officer as meeting the requirements of these regulations.

a. All applications shall be accompanied by a plot-plan, drawn to scale, showing dimensions of the lot or parcel, external building dimensions, its location on the lot or parcel, the use of the building and grounds and any other information necessary to insure proper compliance with these Regulations or other Regulations as may be applicable.

1.5 Jurisdiction

The jurisdiction of these regulations shall include all land and structures within the corporate limits of the City of Ward, Arkansas and as the corporate limits may subsequently change.

1.6 Filing Fees

Filing fees for all sections of these Regulations shall be those established from time to time by the City.

SECTION 2.0 ZONING DISTRICT MAP AND AREA

2.1 Zoning Districts Map

The zoning districts are hereby established as shown on the map entitled: "Ward, Arkansas Zoning Districts", dated _____ 1994 which is part of these regulations and which is on file in the office of the City Clerk. Said map and all notations, references, and date, and other information shown thereon shall be and are hereby adopted and made part of these regulations. The map may be revised from time to time. Copies of ordinances revising the map and regulation will be on file in the office of the City Clerk, City Hall, Ward, Arkansas.

2.2 Zoning District Boundaries

Unless otherwise indicated on the Zoning Districts Map, the zoning district boundaries are lot lines, the center lines of streets or easements or specified distances therefrom, railroad rights-of-way lines, the shore line or center lines of streams and lakes, or the city limits line, or property lines as they existed at the time of the enactment of these regulations.

2.3 Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of the zoning districts or where the street or property lines existing on the ground are at variance with those on the Zoning Districts Map, the Zoning Enforcement Officer shall determine the location of the boundaries in question. Relief from the decision of the zoning enforcement officer may be sought from the Zoning Board of Adjustment by proper application procedures.

2.4 Zoning of Annexed Areas and Navigable Stream Zoning

All areas which may hereafter be included within the zoning jurisdiction of the City of Ward by annexation shall be governed by and subject to the land use categories as indicated on the territorial Land Use Plan of the City of Ward. The land use categories indicated on the Land Use Plan shall be used to determine the zoning district until the City Council shall have adopted zoning districts for the annexed area.

SECTION 3.0 DESCRIPTION OF OPEN SPACE DISTRICT

3.1 OS Open Space District

The "OS" District has the purpose to protect the public health, safety, and welfare by protecting set aside open space whether for institutional reasons or aesthetic reasons or for the protection of land area where natural topography creates practical difficulty for urban development. It is the intent of this district to enhance the natural conditions of open space areas and to reduce the disproportionate costs of providing public facilities.

The "OS" District is proposed for application to public and private recreational areas including playground, pedestrian walkways, buffer strips, parks, golf courses, and country clubs where these uses comprise a significant component of the city's open space network.

3.1.1 Preservation of Open Space

Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

1. Dedication of open space to the municipality or an appropriate public agency, if there is a public agency willing to accept the dedication.
2. Common ownership of the open space by the Residence Association which assumes full responsibility for maintenance.
3. Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide for maintenance.

3.1.2 Development Criteria

Unless otherwise specifically provided in this ordinance, the following development criteria shall apply to the "OS" District.

1. Dumping of trash, waste or offensive materials or the creation of a junkyard of any kind shall be expressly prohibited.
2. The location of off-premises outdoor advertising shall be prohibited.
3. Where the "OS" District is established, all such areas shall remain in their natural state unless otherwise authorized by the City of Ward.
4. A buffer of "OS" zoning shall be no less than twenty (20) feet wide.
5. Enhancement, such as additional screening or planting, of the open space area, when proposed for use as a required buffer zone, may be required.

3.1.3 Conditional Uses

All uses of land and structures and the building or alteration of proposed structures in the "OS" District whether by private or public means, shall be construed to be conditional uses and shall follow the procedures for conditional uses found in Section 8.0 of this ordinance. Some uses which are characteristic of an open space district and which may be considered for conditional use as listed:

1. Municipal, governmental, private or philanthropic recreational use, including parks, playgrounds, tennis courts, golf courses, skating rinks, and hiking or bridle paths.
2. Country club, golf course, swimming pool, tennis courts or other private recreational uses usually associated with or incidental to a social country club operated for mutual recreation for the members and not as a business for profit.
3. Wildlife refuge or bird sanctuary.
4. Greenhouses and structures associated with an arboretum, not operated for profit.
5. Recreation, refreshment and service buildings in parks, playgrounds and golf courses.
6. Parking facilities.
7. Public utility buildings and facilities including units for residential emergency personnel when necessary for serving the surrounding area, provided no public business office and no repair or storage facility or sewer treatment plant are built therein.

3.1.4 Area Regulations

No yard or height dimensions are set in this section for uses and structures in the "OS" District. Determination of area regulations and flood plain ordinance compliance shall be determined and recommended by the Planning Commission in the conditional use review process on a case by case basis.

SECTION 4.0 RESIDENTIAL ZONING DISTRICTS

4.1 R-1 Single-Family Detached Residential District

The R-1 Residential District is intended for the building of a one-family dwelling on a separate and distinct platted lot. The R-1 District is applicable to those existing developed areas of the City which are developed as one-family dwellings on separate platted lots and for those undeveloped areas of the City which are appropriate for future development for single-family residence purposes. The existing areas and the appropriate undeveloped areas are delineated and indicated as R on the Ward Land Use Plan.

4.1.1 Use Regulation

A. Purpose

Development of single-family detached houses at densities not to exceed six dwelling units per gross acre.

B. Use Permitted by Right

One single-family detached dwelling of not less than 1,000 square feet of heated/cooled living space and at a density rate of 3 dwelling units per gross acre maximum, as the primary or principal use on a lot of record.

C. Accessory Uses

The following accessory structures and uses of land shall be permitted provided such structures and uses of land are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building. All accessory uses require a City of Ward Building Permit except item no. 3.

1. Private auto garages, storage shed or building for the storage of household related goods, and children's playhouses.
2. Private greenhouses for non-commercial horticultural purposes.
3. Flower and vegetable garden.
4. Home occupations in compliance with Section 10.3 of this ordinance.
5. Private swimming pools, tennis courts and similar recreational facilities.

Accessory buildings, except private auto garages which are located behind the front building line, may not be located in front yards. All others shall not occupy over 25 per cent of rear yard.

D. Temporary Uses

The following temporary buildings and items of ownership where such building or item conforms to the height and yard requirements of this zone.

1. Model home sales offices, when the sales office is located in the model home, subject to the approval of the Planning Commission and subject to the following provisions:
 - a. The model home sales office shall be located in a subdivision to which the sale of lots and homes are directed.
 - b. The model home sales office shall not be permitted beyond 18 months or 80 per cent of lots being sold from the granting by the Planning Commission. Extension of the 18 months or 80 per cent of lots sold may be granted by the Planning Commission.
2. Garage, carport, or yard sales not to exceed four within a calendar year and two days for each event may be permitted on any platted lot which supports single-family dwelling as the principal use.

E. Conditional Uses

The following uses may be permitted in the R-1 District subject to the approval of a conditional use permit and all required submissions and conditions thereof. See Section 8.0 (Conditional Use Review) for required submissions, etc.

It is the intent of this section to encourage through conditional uses the development of varied density arrangements, to permit affordable housing, to nurture development in appropriate locations and to distribute varied density arrangements throughout the City and within various subdivisions.

1. Churches and other religious institutions and their accessory buildings and uses.
2. Nursery school, day care center, elementary school.
3. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office and no repair or storage facility, or sewer treatment plant are maintained therein.
4. Smaller lot single-family detached housing with a minimum heated/cooled living space of 800 sq. ft.

4.1.3 Height Regulation

No building in the R-1 district hereafter erected or structurally altered shall exceed a height of 35 feet or be more than 2 1/2 stories.

4.1.4 Off-Street Parking

See Section 11 of this regulation.

4.1.5 Yard and Area Requirements

Yards, front, rear and side, are defined in the definition section of this regulation. Yard space between a building wall and the adjacent lot line shall be measured perpendicular to the lot line at the point where the wall is closest to the lot line to determine the minimum allowable yard dimension. The "closest point" measurement is made to compensate for walls running at an angle (not parallel) to the lot line or walls with the vertical plane stepped back in 90 degree angular turns.

The projection of uncovered, noncombustible porches or patios into yard space is permissible.

A. Single-Family Detached

1. Density

Three dwelling units per gross acre maximum.

2. Lot Area

Minimum lot area, 7,500 square feet and lot width of not less than 60 feet at the front building line but not to exceed the average density rate of 3 dwelling units per gross acre maximum.

3. Front Yard

There shall be a front yard set-back having a depth of not less than 25 feet, except as may be modified by the Hillside Development provision of the Subdivision Regulation.

4. Side Yard

There shall be a minimum required side yard setback on each side of the principal structure of 10% of the lot width but not less than six (6) feet nor required to be greater than eight (8) feet. Encroachment of structural appurtenances, i.e., eaves, balconies, bay windows, shall not exceed two (2) feet. Corner lots shall have a side yard on the exterior, or street side of not less than 25 feet.

5. Rear-Yard

There shall be a rear yard setback having a depth of not less than 15 feet, excluding accessory buildings which shall be a minimum of 6 feet from the rear property line and no closer to a side lot line than the principal building line.

6. Lot Coverage

The main building (principal use) and all accessory buildings on a lot shall not occupy more than 40 per cent of the total lot area.

B. Smaller Lot Single-Family Detached

Intended to provide all the amenities of low density housing but on smaller lots. Each lot should, to the extent possible, be adjacent to the public open space system. The result is a permissible reduction in lot size.

1. Density

Six dwelling units per gross acre maximum.

2. Lot Area

Minimum lot area, 4,000 square feet with a lot width of not less than 50 feet at the front building line.

3. Front Yard

There shall be a front yard set-back having a depth of not less than 25 feet.

4. Side Yard

There shall be a required side yard setback on each side of the principal structure of 10% of the lot width or six (6) feet, whichever is greater. Encroachment of structural appurtenances, i.e., eaves, balconies, bay windows, shall not exceed two (2) feet. Corner lots shall have a side yard on the exterior, or street side of not less than 25 feet.

5. Rear Yard

There shall be a rear yard setback having a depth of not less than 15 feet except when the rear lot line is directly adjacent to common open-space property, the rear yard may be reduced to a minimum of 6 feet.

6. Lot Coverage

The principal building and all accessory buildings on a lot shall not occupy more than 40 per cent of the total lot area.

4.2 R-2 Multi-Family Residential District

The R-2 District provides areas for medium population density. The R-2 district is intended for those areas of Ward which: (1) contain multi-family dwellings including duplex, triplex, fourplex, townhouses, Garden Apartments and the like; and (2) vacant land areas where multi-family development appears desirable. Areas such as these are generally designated as MFA (Multi-Family Attached) on the Ward, Arkansas, Land Use Plan. In the R-2 District building designs and siting should make maximum utilization of the public open space system and also the private open space within the parcel of land itself while still providing privacy for the occupants.

4.2.1 Use Regulation

A. Purpose

Development of attached dwelling units (non-group quarters) at densities of twelve (12) or less dwelling units per gross acre.

B. Uses Permitted by Right

1. Duplex, Triplex, and Fourplex dwellings
2. Townhouse, Garden Apartments
3. Maintenance facility, rental office and storage space for management and residents.

C. Accessory Uses

Accessory and temporary uses permitted in the R-2 District shall be the same as those permitted in the R-1 District.

D. Conditional Uses

The following uses may be permitted in the R-2 District subject to the approval of a conditional use permit and all required submissions and conditions thereof. See Section 8 (conditional use review) for required submissions.

1. Churches and other religious institutions and their accessory buildings and uses
2. Nursery school, day care center, elementary school
3. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office and therein.
4. Single-family and Smaller Lot Single-family detached housing (same bulk and area requirements as in R-1 District)

4.2.2 Height Regulation

Maximum: 2.5 stories not to exceed 40 feet.

4.2.3 Off-Street Parking

See Section 11 of this regulation.

4.2.4 Yard and Area Requirements

Yard space as defined in the definitions sections shall apply. General criteria established in the R-1 District concerning measurement methodology, the projection of architectural features into yards, and roof overhangs shall apply in the R-2 District.

A. Lot Area for Each Dwelling Unit

1. Duplex - 3,500 square feet
2. Triplex - 3,000 square feet
3. Fourplex - 3,000 square feet
4. Townhouse - 2,400 square feet
5. Garden apartments - 1,600 square feet
6. Single-family and smaller lot single-family, same as in R-1 District

B. Front Yard

There shall be a front yard minimum set back of not less than twenty-five (25) feet.

When the development consists of Townhouse or Garden Apartments, the front fifteen (15) feet of the required twenty-five (25) foot front yard setback, measured from the property line, shall be landscaped with trees, grass and/or shrubs, and maintained in a neat and attractive condition. No parking of vehicles shall be allowed within this front fifteen foot landscape setback.

C. Side Yard

1. Duplex, triplex, and fourplex shall have a minimum side yard of six (6) feet for interior lots. Corner lots shall have a side yard on the exterior or street side of not less than twenty-five (25) feet.
2. Structures utilizing the townhouse or garden apartment design with dwelling units abutting one another without side yards between the individual dwelling units shall have exterior side yards of twenty five (25) feet between multi-unit structures and, also, when the beginning or terminal end of a structure abuts a street.
3. For town-house apartments there shall be no more than twelve (12) dwelling units appended in one structure without an intervening side yard. Garden apartments may have twelve (12) units appended before an intervening side yard is required.
4. Single-family and smaller lot single-family detached, same as in R1 District.

D. Rear Yard

1. Duplex, triplex, fourplex: fifteen (15) feet, excluding accessory buildings which shall be a minimum of six (6) feet from the rear property line and no closer to a side lot line than the principal building line.
2. Townhouse, garden apartments: minimum twenty-five (25) feet to allow access for emergency vehicles.
3. Single-family and smaller lot single-family detached same as in R-1 District.

E. Building Coverages

Maximum building coverage for each type of housing permitted shall be forty (40) per cent.

F. Vehicular Use Areas

All vehicular use areas shall be paved with asphalt or concrete.

4.3 R-3 Single-Family Manufactured Home Residential District

The R-3 Residential District is intended for the location of a manufactured (modular or mobile) home on a separate and distinct platted lot. The R-3 District is applicable to those areas that are delineated and indicated as RMH on the Ward Land Use Plan.

4.3.1 Use Regulation

A. Purpose

Development of manufactured (modular or mobile) homes at densities not to exceed six dwelling units per gross acre.

B. Use Permitted by Right

One single-family detached dwelling or manufactured (modular or mobile) home at a density rate of 3 dwelling units per gross acre maximum, as the primary or principal use on a lot of record.

C. Accessory Uses

The following accessory structures and uses of land shall be permitted provided such structures and uses of land are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building. All accessory uses require a City of Ward Building Permit except item no. 3.

1. Private auto garages, storage shed or building for the storage of household related goods, and children's playhouses.
2. Private greenhouses for non-commercial horticultural purposes.
3. Flower and vegetable garden.
4. Home occupations in compliance with Section 10.3 of this ordinance.
5. Private swimming pools, tennis courts and similar recreational facilities.

Accessory buildings, except private auto garages which are located behind the front building line, may not be located in front yards. All others shall not occupy over 25 per cent of rear yard.

D. Temporary Uses

The following temporary buildings and items of ownership where such building or item conforms to the height and yard requirements of this zone.

1. Model home sales offices, when the sales office is located in the model home, subject to the approval of the Planning Commission and subject to the following provisions:

a. The model home sales office shall be located in a subdivision to which the sale of lots and homes are directed.

b. The model home sales office shall not be permitted beyond 18 months or 80 per cent of lots being sold from the granting by the Planning Commission. Extension of the 18 months or 80 per cent of lots sold may be granted by the Planning Commission.

2. Garage, carport, or yard sales not to exceed four within a calendar year and two days for each event may be permitted on any platted lot which supports single-family dwelling as the principal use.

E. Conditional Uses

The following uses may be permitted in the R-3 District subject to the approval of a conditional use permit and all required submissions and conditions thereof. See Section 8.0 (Conditional Use Review) for required submissions, etc.

It is the intent of this section to encourage through conditional uses the development of varied density arrangements, to permit affordable housing, to nurture development in appropriate locations and to distribute varied density arrangements throughout the City and within various subdivisions.

1. Churches and other religious institutions and their accessory buildings and uses.
2. Nursery school, day care center, elementary school.
3. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office and no repair or storage facility, or sewer treatment plant are maintained therein.
4. Smaller lot single-family detached housing with a minimum heated/cooled living space of 800 sq. ft.

4.3.3 Height Regulation

No building in the R-3 district hereafter erected or structurally altered shall exceed a height of 35 feet or be more than 2 1/2 stories.

4.3.4 Off-Street Parking

See Section 11 of this regulation.

4.3.5 Yard and Area Requirements

Yards, front, rear and side, are defined in the definition section of this regulation. Yard space between a building wall and the adjacent lot line shall be measured perpendicular to the lot line at the point where the wall is closest to the lot line to determine the minimum allowable yard dimension. The "closest point" measurement is made to compensate for walls running at an angle (not parallel) to the lot line or walls with the vertical plane stepped back in 90 degree angular turns.

The projection of uncovered, noncombustible porches or patios into yard space is permissible.

A. Density

Three dwelling units per gross acre maximum.

B. Lot Area

Minimum lot area, 7,500 square feet and lot width of not less than 60 feet at the front building line but not to exceed the average density rate of 3 dwelling units per gross acre maximum.

C. Front Yard

There shall be a front yard set-back having a depth of not less than 25 feet, except as may be modified by the Hillside Development provision of the Subdivision Regulation.

D. Side Yard

There shall be a minimum required side yard setback on each side of the principal structure of 10% of the lot width but not less than six (6) feet nor required to be greater than eight (8) feet. Encroachment of structural appurtenances, i.e., eaves, balconies, bay windows, shall not exceed two (2) feet. Corner lots shall have a side yard on the exterior, or street side of not less than 25 feet.

E. Rear-Yard

There shall be a rear yard setback having a depth of not less than 15 feet, excluding accessory buildings which shall be a minimum of 6 feet from the rear property line and no closer to a side lot line than the principal building line.

F. Lot Coverage

The main building (principal use) and all accessory buildings on a lot shall not occupy more than 40 per cent of the total lot area.

4.3.6 Manufactured (Mobile) housing appearance standards

A. Structural Additions or Alteration

Due to its integral design, any structural alteration or modification of a manufactured (mobile) home after it is placed on the site must be approved by the building inspector of the City of Ward. All structural additions shall comply with the Standard Building Code.

B. Exterior Appearance Standards

Manufactured (mobile) homes shall be compatible and similar in appearance with site-constructed residences, in that they shall:

1. Be a maximum age of 10 years from the date of manufacture;
2. Have a minimum width of at least fourteen 14 feet and length of at least forty-eight 48 feet for single wide, and a minimum width of at least twenty four 24 feet and length of at least twenty eight 28 feet for a double wide manufactured (mobile) home;
3. Be placed onto permanent foundation system, (piers, bearing walls, etc.) in accordance with standard building code, which will transfer loads from the structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil, in accordance with the Standard Building Code;
4. Be underpinned with brick, stone, ABS plastic, Veriform vinyl, or same material that covers manufactured (mobile) housing;
5. Be anchored to the permanent foundation system in accordance with the Standard Building Code and to the manufacturer's specifications;
6. Have utilities connected in accordance with applicable city codes or manufacturer's specifications, whichever is more restrictive;
7. Have pitched roofs.

4.3.7 Manufactured (modular) housing appearance standards

A. Structural Additions or Alteration

Due to its integral design, any structural alteration or modification of a manufactured (modular) home after it is placed on the site must be approved by the building inspector of the City of Ward. All structural additions shall comply with the Standard Building Code.

B. Exterior Appearance Standards

Manufactured homes shall be compatible and similar in appearance with site-constructed residences, in that they shall:

1. Be a maximum age of five 5 years from the date of manufacture;
2. Have a minimum width of twenty four 24 feet and a minimum length of twenty eight 28 feet;
3. Be placed onto permanent foundation system, (piers, bearing walls, etc.) In accordance with standard building code, which will transfer loads from the structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil, in accordance with the Standard Building Code;
4. Be anchored to the permanent foundation system in accordance with the Standard Building Code and to the manufacturer's specifications;
5. Set onto an excavated area with permanent perimeter walls constructed of block, brick, or stone, with foundations, footings or a crawl space or basement walls constructed in accordance with the Standard Building Code. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings);
6. Have wheels, axles and hitch mechanisms removed;
7. Have utilities connected in accordance with applicable city codes or manufacturer's specifications, whichever is more restrictive;
8. Have pitched roofs and roofing material of a type customarily used on site-constructed residences;

C. Permits - Certificate of Zoning Compliance and Foundation Permit

1. Requirements

Prior to the location, relocation or establishment of any manufactured home outside of a manufactured home park, the homeowner or authorized representative shall secure a certificate of zoning compliance and foundation permit, which states that the building and its location conform with the zoning ordinance. Each application for a certificate of compliance and foundation permit shall be accompanied by:

- a. Those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes and the like;
- b. Health department approval for any sewage disposal or water supply, where applicable;
- c. A copy of the approved manufacturer's instructions, which will be used for installation purposes, where applicable; and
- d. Such other information as may be required by the building inspector for proper enforcement of this section.

D. Denial of Permit

If any of the major elements are clearly out of line with the standards, the certificate of zoning compliance permit will be denied within five (5) working days of application by a written statement specifying the reasons for the denial.

E. Appeals

Whenever the building inspector shall refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a manufactured home, or when it is claimed that the provisions of this section do not apply, the owner of such manufactured home or his duly authorized agent may appeal the decision of the building inspector to the board of adjustment in accordance with Section 12 of this zoning ordinance.

4.4 R-4 Manufactured Home Park District

The R-4 District provides for areas which may contain two (2) or more manufactured homes on a parcel or land under single ownership. It is the intent of this Section that this District be located so as to not adversely affect the established residential development patterns and densities of the City subdivisions designed and/or intended for the sale of lots for siting manufactured homes. The existing areas and the appropriate undeveloped areas are delineated and indicated as MHP on the Ward Land Use Plan.

4.41 Use Regulation

A. Site Plan Review

Pursuant to the procedure hereinafter set forth, when a proposal is made to develop manufactured dwellings in the R-4 District or to rezone property to the R-4 District, a "Site Plan" review shall be required. See Section 8 of this regulation for the procedure and requirements of a Site Plan Review.

B. Permitted Uses

Manufactured homes or mobile homes.

C. Accessory Uses

The accessory structures and uses of land shall be those permitted in the R-3 Single Family Detached Residential District.

D. Temporary Uses

Temporary uses shall be those allowed in the R-3 Single Family Detached Residential District.

E. Conditional Uses

Single family residential buildings may be permitted in the R-4 District subject to the approval of a conditional use permit and all required submissions and conditions thereof. See Section 8.0 (Conditional Use Review) for required submissions.

4.42 Bulk and Area Regulations

A. The minimum site area for the development of a R-4 Manufactured Home Park development shall be four (4) acres.

B. The maximum density shall not exceed eight (8) spaces per net acre.

4.43 Design and Siting Criteria

- A. All properties within this District shall be contiguous and shall be totally developed under a unified site plan approved by the Planning Commission.
- B. When a Manufactured Home Park either adjoins or is across the street from a residential zone, a compact evergreen screen with a minimum height of three (3) feet at the time of planting or a permanent opaque fence of wood or masonry construction having a height of not less than six (6) feet shall be erected and maintained between such area and the residentially zoned property.
- C. No mobile home space shall take access on a dedicated public street.

4.44 Yard and Area Regulations

A. Density

Eight (8) site units per gross acre maximum.

B. Site Area

Minimum site area shall be four (4) acres.

C. Exterior Setback

The minimum setback from any property line shall be fifteen (15) feet.

D. Interior Setback

The minimum setback from any interior drive shall be fifteen (15) feet.

E. Parking

See Section 11 of this regulation (One Family Dwelling).

F. Vehicular Use Areas

All vehicular use areas shall be paved with asphalt or concrete.

SECTION 5.0 DESCRIPTION OF COMMERCIAL ZONING DISTRICTS

5.1 General Information, Commercial Districts

The Commercial Districts established by this ordinance are designed to promote and protect the health, safety, and convenience, order, prosperity, and other aspects of the general welfare. These goals include among others, the following more specific purposes.

A. To provide sufficient space, at appropriate locations and in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences. Area for retail and service are indicated on the Ward Land Use Plan and by design do not intrude into the residential areas.

B. To provide sufficient and appropriate space, and in particular, sufficient area, to meet the City of Ward's anticipated future need for modern, planned commercial developments in neighborhood and community shopping centers. Areas for this purpose have been set aside, as indicated by the Land Use Plan.

C. To provide sufficient space at appropriate locations for varying types of commercial and miscellaneous service activities that are consistent in their marketing functions. These areas can accommodate those commercial and service uses which either generate heavy traffic or depend upon heavy traffic for their marketing function, and which often require open storage of products for sale, which serve not only the local populous but also the traveling public.

5.1.1 The Commercial Districts

The "C" Commercial Districts shall be cited in this regulation and on the official zoning map of Ward, Arkansas as follows:

- A. "C-1" District, Town Center Commercial
- B. "C-2" District, Highway Commercial

5.1.2 General Zoning District Restrictions

Unless otherwise specifically exempted in the appropriate district, the following restrictions shall apply to all commercial districts:

A. Any lighting shall be so placed so as to reflect away from adjacent residential districts. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site.

B. All trash receptacles and pickup shall be oriented away from the street side of the property and adequately screened.

C. All signage shall be in conformance with the Ward sign regulations. *

D. A landscaped area or fencing shall be provided along any side or rear property line which abuts property zoned for residential purposes. Said landscaped area or fencing shall have Planning Commission approval as to location, height, material, construction and be in accordance with the Vehicular Landscape Ordinance.

5.2 C-1 District, Town Center

The C-1 District, Town Center, is the central focus of the greatest concentration of commercial and office activity. Nearby are the sites for educational and health facilities. City government offices, fire, police and other emergency services and the central library may well be located in or adjacent to the C-1 District, Town Center. These public functions in combination with the major retail shopping, consumer services offices, and multi-family residential development will create the greatest concentration of people and vehicles within the City.

5.2.1 C-1 District Development Criteria

A. All commercial uses shall be restricted to closed buildings, except parking lots, plant nurseries, promotional events and the normal pump island services of auto service station operations. In addition, outdoor display of merchandise may be allowed by request in an area equal to one-half (1/2) the facade area of the front of the building which contains the requesting business. Certain seasonal or special event sales may be allowed by permit when the owner has a valid privilege license.

B. Parking, loading and service areas shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress.

5.2.2 C-1 District Use Regulations

A. Permitted Uses

1. Multi-family residential uses as permitted in the R-2 District and subject to the bulk and area regulations of that district.
2. Retail sales, service and office uses permitted in the C-1 District and the conditional uses.

Antique Shops

Automobile filling stations

Automobile Service Center

Bakery or confectioner

(provided that goods are baked on the premises shall be offered for sale only on the premises and at retail)

Bank or trust company, savings and loan

Barber Shop

Beauty Shop

Book, newspaper and magazine store

Business office
Dairy products store
Delicatessen
Department store
Drugstore
Educational Facilities
Electronics, computers, video tape shops
Fire Stations
Florists
Fruit store
Furniture store
General office buildings
Gift shop
Government Offices
Grocery store
Hardware store
Horticultural nursery products store
Hotels
Household appliance store
Jewelry store
Laundromat
Laundry and cleaning pick-up station
Libraries
Market, produce
Medical and dental clinics
Mini-storage without outdoor storage
Museums, gallery, libraries
Offices for professional services
Photographic supply store
Police Stations
Radio and TV broadcasting studio
Restaurant, cafe or tea room
Shoe repair shop
Tailor, pressing, laundry and cleaning shop
(including valet services with not more than three pressing machines, and one dry
cleaning unit)
Taxicab stand
Telegraph or messenger service
Theater, cinema, stage productions
Upholstery shop
Variety and dry goods store
Vegetable store
Wearing apparel store

B. Conditional Uses

Cemeteries

Churches

5.2.3 Bulk and Area Regulations

A. Height Regulation

No building which is not an office building, or hotel, hereinafter erected or structurally altered shall exceed a height of 35 feet or be more than 2-1/2 stories. Office buildings shall not exceed a height of four (4) stories and hotels ten (10) stories.

B. Area Regulation

1. Front Yard

There shall be a front yard having a set-back of not less than 25 feet from the front property line to the front line of the building.

2. Side Yard

Side yard setbacks shall not be required except where side yards abut a street or a residential lot line, thence, the side yard set-back shall be no less than 15 feet.

3. Rear Yard

There shall be a rear yard having a depth of not less than 15 feet except when abutting residential area, the rear yard shall not be less than 25 feet. In the case of a corner lot (abutting a street), when providing a 25 foot exterior side yard, the rear yard may be reduced to not less than 15 feet.

4. Lot Coverage

Maximum lot coverage for all principal and accessory buildings shall be 35 per cent of the total area of the site.

C. Screening Requirements

When a C-1 District abuts a residential district whether in a shopping center or a free-standing strip development arrangement, a landscape screen shall be required. Said screens or fences shall have Planning Commission approval as to location, height, material, construction.

All products offered for sale will be inside a completely closed building or behind a permanent ornamental wall, fencing, or planting such that it cannot be seen by a person standing on ground level; provided, however, that no screening shall be required to be in excess of six (6) feet in height.

D. Parking Requirements

Any area subject to wheeled traffic and devoted to parking, driveways and off-street maneuvering space, developed to meet the requirements of this district, shall be paved. The minimum pavement requirements shall be as follows: one and one-half (1-1/2) inch asphaltic concrete sub-base hot mix with a six (6) inch compacted base; or four (4) inch concrete slab, compacted to 95% density and shall have appropriate bumper guards where needed. See Section 11.0 for required parking space.

E. Signs

All signage shall be in conformance with Ward sign regulations.

5.3 C-2 District, Highway Commercial

The characteristics of the C-2, Highway Commercial District, is an area for retail establishments which cater to the traveling public. Lot sizes, highway ingress and egress, setback requirements, and the design of the individual sites are intended to provide for motorists need, yet maintain adequate, safe, attractive facilities with minimal marginal traffic interference. No residential uses are intended for location in the C-2 District except only as living quarters for caretakers, and/or watchmen and their families.

5.3.1 C-2 District Development Criteria

- A. The open storage of retail and wholesale goods in conjunction with business establishments is permitted subject to Section 5.3.3 C.
- B. Parking, loading, or service areas shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress.

5.3.2 C-2 District Use Regulations

A. Permitted Uses

1. All retail sales and service uses permitted in the C-1 District, Town Center.
2. Additional Commercial Uses:
 - Small Animal boarding place or veterinarian's clinic, indoor only.
 - Automotive uses:
 - Auto, truck and trailer rental lot
 - Parking and storage garages and lots
 - Parts and supply stores
 - Repair garages and body shops
 - New and Used sales and service
 - Building supply
 - Contractor's office and equipment yard
 - Farm implement sales and service
 - Funeral parlor undertaking
 - Household equipment and machine repair and servicing
 - Laundry and dry cleaning plant
 - Liquor stores
 - Marine supply and equipment
 - Printing and publishing
 - Retail stores that cater primarily to the non-resident traveling public
 - Restaurants, restaurants with dancing and live entertainment
 - Truck Stops
 - Upholstering shop
 - Vocational and trade schools
 - Warehouse - general
 - Warehouse - mini and storage, with outdoor storage
 - Wholesale sales and storage

B. Conditional Uses

Cemeteries
Churches
Education facilities

5.3.3 Bulk and Area Regulations

A. Height Regulation

No building which is not an office building, or hotel, hereinafter erected or structurally altered shall exceed a height of 35 feet or be more than 2-1/2 stories. Office buildings shall not exceed a height of four (4) stories and hotels ten (10) stories.

B. Area Regulations

1. Front Yard

There shall be a front yard having a set-back of not less than 35 feet from the front property line to the front line of the building.

2. Side Yard

There shall be a side yard having a set back of not less than fifteen (15) feet or zero (0), except where side yards abut a street or a residential lot line, thence, the side yard set-back shall be no less than 35 feet.

3. Rear Yard

There shall be a rear yard having a depth of not less than 15 feet except when abutting residential area the rear yard shall not be less than 25 feet. In the case of a corner lot (abutting a street), however, when providing a 25 foot exterior side yard, the rear yard may be reduced to not less than 8 feet.

4. Lot Coverage

Maximum lot coverage for all principal and accessory buildings shall be 35 per cent of the total area of the site.

C. Screening Requirements

When a C-2 District abuts a residential district a landscape screen shall be required. Said screens or fences shall have Planning Commission approval as to location, height, material, construction.

D. Parking Requirements

Any area subject to wheeled traffic and devoted to parking, driveways, and off-street maneuvering space, developed to meet requirements of this district, shall be paved. The minimum pavement requirements shall be as follows: one and one-half (1 1/2) inch asphaltic concrete hot mix with a six (6) inch compacted base, or a four (4) inch concrete slab, sub-base compacted to 95% density and shall have appropriate bumper guards where needed. See Section 11.0 for required parking spaces.

All driveways and parking lots shall be ample for the land use; they will be designed to keep marginal highway traffic interference to a minimum.

E. Signs

All signage shall be in conformance with Ward sign regulations.

SECTION 6.0 I-1 INDUSTRIAL PARK DISTRICT

6.1 Purpose and Intent

The I-1 Industrial Park District is designed to provide a park like development for industry with controls based upon industry performance as well as type. The provisions of this zoning regulation will provide an efficient operating environment for industries and protect them from the encroachment of commercial and residential uses adverse to their operation and expansion.

6.1.1 I-1 District Restrictions

A. Hazard Restrictions and Performance Standards

It is the intent of this regulation to prevent land or buildings from being used or occupied in any manner to create any dangerous, injurious, noxious or otherwise objectionable condition related to fire, explosion, radioactivity, noise or vibration; smoke, dust, odor or other forms of air pollution; electrical or other disturbance; glare or heat, liquid or solid hazardous wastes or any dangerous or objectionable elements in a manner or amount to adversely affect the surrounding area.

B. Visual Restrictions

All permitted uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading births, accessory fuel storage and employee recreational facilities. In addition, no goods, equipment, supplies or other materials shall be stored in the open except on the rear two-thirds (2/3) of any lot, and then only when such open storage is no higher than six (6) feet and is fenced with a screening fence at least six (6) feet in height.

C. Application

All proposals for development and uses of land and buildings are subject to site plan review submitted to and approved by the Planning Commission. In addition, the applicant shall submit a description of the proposed operation including, machinery, processes and products. The applicant will include specifications for the mechanisms, techniques and operations in sufficient detail so that the Planning Commission can determine or have determined whether the industrial pursuit meets the criteria of the foregoing paragraphs A and B.

6.2 I-1 District Use Regulations

A. Permitted Uses

Dwellings, only as living quarters for caretakers, and/or watchmen and their families

Helistop

Office buildings

Accessory off-street parking of motor vehicles

Research, experimental and testing laboratories

Signs in accord with City of Ward sign regulations

Underground pipe lines, underground electric power and energy transmission and distribution lines, underground or overhead telephone or telegraph lines, overhead electric power and energy transmission and distribution lines

Secondary schools, vocational technical schools and colleges

Warehouses and storage buildings

Accessory buildings and uses: swimming pools, recreational facilities and dining facilities for use in connection with the operation of an establishment and primarily for employees

Read-mix plant for concrete

Public utility buildings and utility structures not otherwise permitted in other districts, including overhead electric power and energy transmission and distribution lines suspended from multi-legged structures, aboveground pipelines, radio and television broadcasting stations and towers and accessory structures

Retail Sales and Consumer Service Establishments (not including warehouse sales), accessory to any permitted use, and dealing primarily with employees of establishments permitted as principal uses, provided that such commercial uses shall not occupy more than 5 per cent of the total floor area of all buildings on any lot or group of contiguous lots in common ownership or control

Industrial and manufacturing uses which operate in conformance with the performance standards espoused by this regulation

B. Prohibited Uses

The following uses are expressly prohibited:

Abattoir

Arsenal

Blast furnace

Boiler works

Distillation of bones

Dump

Incinerator, or reduction of dead animals, garbage or offal, except when operated or licensed by a duly authorized public agency

Fat rendering, grease, lard or tallow manufacturing or processing

Forge plant

Central mixing plant for asphalt, concrete, or other paving materials
Distillation of coal, tar or wood
Dye works
Fertilizer mixing plant
Foundry
Junk yard
Grist Mill
Saw Mill
Stockyard

Manufacture of:

Acetylene
Brick, clay, terra-cotta, and tile products
Chemicals, including sulfuric, nitric or hydrochloric or other corrosive or offensive acids
Cinder block
Printing ink
Rayon or similar products
Starch, glucose, or dextrin
Stove polish

Railroad yard or roundhouse
Rock crusher, washing and screening plants
Sand, gravel, or clay pit; rock or stone quarry
Steam power plant
Sugar refining
Ammonia, bleaching powder, chlorine, asphalt
Celluloid or pyroxylin (or treatment thereof)
Disinfectants
Emery cloth and/or sandpaper
Explosives, fireworks, or gunpowder, or storage of same
Fertilizers
Gas for illumination or heating
Glue, size or gelatin
Insecticides
Lampblack
Leather goods
Linoleum
Matches
Mortar, lime, plaster, cement, gypsum
Oil cloth and/or oiled products
Paint, oil, shellac, turpentine or varnish employing a boiling or rendering process
Plastics
Potash
Rolling mill
Soap

Soda or soda compound
 Shoe blacking or polish
 Rubber or products made therefrom
 Sulfuric, nitric, hydrochloric or other corrosive acids
 Tallow, grease or lard
 Tar or tar roofing or water-proofing or other tar products, or distillation thereof
 Yeast
 Ore reduction
 Packing house, including meat canning or curing
 Petroleum refining, or storage in more than tank lots
 Smelting
 Tanning, curing or storage of leather, rawhides or skins
 Wool pulling or scouring

Any other use which is found by the Planning Commission to be a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance is and shall be expressly prohibited.

6.2.1 Bulk and Area Regulations

A. Required Yards-and Landscaped Areas

(a) No principal or accessory building, parking area, loading or maneuvering area shall be located:

(1) Less than 15 feet from any lot line.

(2) Less than 50 feet from the boundary of any residence lot or from the boundary of any lot used for an educational institution.

(3) Less than the following minimum distances from the street right-of-way line or proposed street right-of-way of the following types of streets or highways as designated on the Master Street Plan:

Class II	75 feet
Class III and IV	75 feet
Class V and VI or a private way within the Industrial Park	50 feet

(b) The required yards set forth above shall be landscaped in accordance with a plan approved by the Planning Commission. Landscaping shall mean the planting of grass, shrubs, trees and other comparable ground cover. To the maximum extent possible, driveways within such landscaped areas shall cross said areas by the most direct line, and all planting screens or walls required shall be located adjacent to parking areas rather than on the periphery of the lot. Such landscaped areas shall be maintained at all times.

C. Street Access and Frontage

1. Each lot shall have a minimum frontage of 100 feet on a street or private way; provided, however, that the Planning Commission may approve a lesser frontage to a minimum of 60 feet for lots located on cul-de-sacs or on street curves or having other extraordinary characteristics. Vehicular access shall be permitted only to one of the following types of streets:

(a) Class II

(b) Class III or IV

(c) A Class V or VI or private way connecting only with any of the above class of streets.

2. The designation of any street or highway as to type shall be in conformance with that shown on the Master Street Plan.

D. Building Height Limit

No building or other free standing structure shall exceed a height of fifty (50) feet at the building line. Building heights greater than fifty (50) feet must be set back from the building line at a rate of three (3) feet for each additional one (1) foot of building height. EXAMPLE: A building constructed at the building line has a maximum allowable building of fifty (50) feet. If a building height of fifty-five (55) feet is requested then the new building line would be an additional fifteen (15) feet.

E. Lot Coverage

Not more than 50 per cent of the area of the lot may be covered by buildings, including accessory buildings.

F. Spacing Between Buildings

No buildings other than an accessory building shall be located closer to any other building than a distance equal to the height of the higher building, and in no event less than 30 feet therefrom.

G. Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 11, except that for an industrial or manufacturing establishment or warehouse or similar use, the minimum requirement shall be one parking space for each one and one-half employees, or one for each two employees on combined major and second shifts, and in addition one visitor parking space for every 10 employees, except that the Planning Commission may authorize fewer visitor parking spaces if found that a fewer number will be sufficient for the operation anticipated. In addition to the foregoing, one parking space shall be provided for each company-owned or leased truck, passenger car or other vehicle located or principally based on the premises.

No parking spaces may be located within required front yards, except that an area equivalent to not more than 30 per cent of the total area of all required parking spaces may be located within a required yard for use as parking space for visitors, selected personnel and minor deliveries. Off-street parking spaces may be grouped in facilities serving more than one lot or establishment.

When the lot on which parking spaces are located abuts the rear or side lot line of, or is across the street from, any residential land, a wall, fence or evergreen planting shall be maintained so as to screen substantially the parking lot from view from the nearest residential property. The screening shall be maintained in good condition at all times. In parking lots of one acre or more, at least 5 per cent of the area of the parking lot shall be devoted to landscaping within the interior of the parking area.

SECTION 7.0 PLANNED UNIT DEVELOPMENT DISTRICTS

The Planned Unit Development District is established to permit the combination of the subdivision of land and zoning review into one process. The combination review permits a development proposal to be acted upon simultaneously by the developer and the City. This system is advantageous when the developer that plats the land and provides access and utilities also provides the amenities that make the overall project marketable. An additional advantage is that the approved PUD plan remains intact even if transfer in ownership occurs. The approved PUD plan represents a commitment by both the developer and the City.

The PUD process permits more flexibility in the choice of building types, the arrangement of varied land uses, and the use of generalized rather than specific development regulation. By permitting and encouraging the use of such procedures the Planning Commission and the City Council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the city. The PUD should:

Facilitate and encourage a maximum of social and community interactions and activity among those who live, shop, play and work there;

Provide open space not only for traditional private use in setbacks and yards surrounding structures, but also conveniently located with respect to points of residential and commercial concentration for the general benefit of the community and public as places for relaxation, recreation and social activity;

Provide a comprehensive, multi-modal circulation system separated from vehicular roadways which links residential, non-residential and open space areas;

Preserve the natural environment by minimizing the grading necessary for construction; and,

Achieve a maximum of safety, convenience and amenity for both the residents of the PUD and the residents of neighboring areas and assure compatibility with existing and proposed surrounding land uses.

The development plan may be submitted in conjunction with the rezoning of the site or prior to development of the site.

7.1 PUD Permitted Use

Permitted uses in this district may include:

- (A) Residential uses permitted in the R-1 and R-2 districts of this regulation.
- (B) Parks, public and private recreational facilities, and open space.
- (C) Public and institutional uses such as schools, churches, and public utilities.
- (D) Retail commercial uses permitted in the C1 zone marketing products for the convenience of the neighborhood, low traffic generation offices and offices for professionals. The gross leasable area devoted to retail commercial or offices or in combination shall not exceed fifty (50) per cent of the total gross floor area in the development.

7.1.1 District Established

The Planned Residential District may be referred to and will be indicated on the zoning map as PRD.

7.2 Development Standards, Conditions and Review Guidelines

7.2.1 Site Plan Review

When a proposal is made to develop a Planned Unit Development, a PUD Site Plan review shall be required.

7.2.2 Density

PUD densities may be determined on the basis of any and all of the following considerations; the densities designated by the land use plan, the densities of surrounding development, the densities allowed under the various zoning districts, the urban development goals and other policies of the City, topography and character of the natural environment and the impact of a given density on the specific site and adjacent properties. The City also has the discretion to consider any other relevant factors.

7.2.3 Lot Size

There shall be no minimum standards for lot size although existing standards of zoning and subdivision regulations may be used as a guide.

7.2.4 Setback

There shall be no minimum standards although existing standards of the zoning and subdivision regulations will be used as a guide.

7.2.5 Building Area

In a PUD district specific building area coverages of the lot are not applied. The primary consideration is the overall density of the development with the use of the existing standards as a guide.

7.2.6 Enclosure of uses

All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, temporary farmers markets and craft fairs, promotional events, and normal pump island fuel services. In addition, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the facade area of the front of the building as long as said display of merchandise is stored inside the building or other completely enclosed structure after normal working hours.

7.2.7 Screening and landscaping

In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PUD. The nature and extent of screening and landscaping required shall be determined by the Planning Commission in relation to the overall character of the development and its specific location. The required screening shall be submitted to the Planning Commission as part of the final development plan. Landscape plans shall show the general location, type and quality (size/age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

7.2.8 Open Space

Due to the flexibility allowed in development density, well designed open space is an important factor in providing for innovative design and visual attractiveness. A minimum of ten (10) to fifteen (15) percent of gross residential areas shall be designated as common usable open space.

7.3 Planned Unit Development standards

7.3.1 General eligibility and staging requirements

A. Location.

The intent is to apply the PUD district to areas designated as agricultural, multifamily residential or commercial on the Land Use Plan.

B. Ownership.

Eligible applicants for preliminary plan review must be the landowners of record, holders of a lease for not less than fifty (50) years, or their authorized agent and beneficiaries of all properties in question. The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in this article.

C. Minimum Size.

Eligible properties must be ten (10) acres in size.

D. Staging.

Submission of proposals of entire ownerships is encouraged, however, applicants may submit a phased development plan for incorporating incremental final development plans and plats for subareas of the entire ownership. Phased development must indicate the entire ownership on a boundary survey with all proposed streets and drainage. Where this is done, the applicant shall adhere to the approved development schedule for the phased submission of final development plan and plat.

If the applicant cannot adhere to the time period approved, a written request for extension may be submitted to the Planning Commission for approval of a maximum of two one year extensions. Additional extensions shall require approval of the City Council.

7.3.2 Application review procedures.

The PUD application procedure shall consist of three (3) phases. A pre-application conference with the City staff, a Preliminary Development Plan and Preliminary Plat reviewed by the Planning Commission and Final Development Plan and Final Plat approved as a whole or in phases by the Planning Commission and City Council following its review for compatibility with the Preliminary Plan. The Final Development Plan and Plat shall be approved prior to the issuance of any building permits within any portion of the planned development.

A. Pre-application Conference

The landowner or authorized agent will meet with the city staff in order to exchange information regarding the proposed development and identify relative issues which may affect the review process and might arise in execution of the PUD.

B. Preliminary Development Plan and Plat Review

An applicant seeking Planned Unit Development use of property shall submit a preliminary development plan and all the necessary fees at the time of the filing. The PUD preliminary development plan shall be reviewed by the city staff and their recommendations forwarded to the Planning Commission. A public hearing for the preliminary plan shall be set and shall be legally advertised at least one time in a newspaper of general circulation in the City, fifteen (15) days before the meeting. In addition, certified mail notice shall be provided to all adjacent property owners at least fifteen (15) days before the meeting.

The Planning Commission will assess the proposal in light of regulation guidelines and will take action after weighing the recommendations of the staff, the developer's presentation, and the community's response. The Commission shall approve, grant approval conditioned on specified modifications, or disapprove the planned unit development proposal.

The approval of the preliminary development plan does not constitute the recording of a plat or authorize the issuance of a building permit. Both of these actions are contingent on approval of the final development plan and final plat. The approved preliminary plat permits construction activities as outlined in the Ward Subdivision Regulations. The staff will inform the applicant of any plan alteration or additional information which must be submitted for the final development plan review.

C. Final Development Plan and Plat

The applicant shall generally have one year from the date of preliminary development plan and plat approval to submit the final development plan and plat. In cases where a phased preliminary development plan is approved, an approved submission schedule for incremental final development plan and plat shall be followed. Requests for extensions shall be submitted in writing to the Planning Commission, which shall not unreasonably withhold approval. A maximum of two one-year extensions may be granted by the Planning Commission. Additional extensions shall require approval by the City Council. Extensions must be applied for before the time elapses on preliminary approvals.

The final development plan and plat review shall be conducted by the Planning Commission and staff. They will review the final development plan and plat to determine that no substantial changes were made to those elements of the plan agreed upon in the preliminary development plan. If substantial changes are found to have been made to the agreed elements, then the application must be resubmitted for preliminary development plan review.

The final development plan shall be deemed to be in substantial compliance with the preliminary development plan provided the plan does not:

1. Increase proposed floor area for nonresidential use by more than five (5) percent.
2. Increase total building coverage by more than five (5) percent.

3. Increase total number of dwelling units by more than five (5) percent within a given phase. Fluctuation shall be permissible, provided overall density is maintained.

A public hearing need not be held to consider modifications on location and design of infrastructure improvements as detailed in the Ward Subdivision Regulations.

If the Planning Commission finds only minor differences exist in the final development plan and plat, then the Commission shall approve final disposition.

Approval or disapproval of a final development plan and plat by the Planning Commission shall occur within sixty (60) days of the filing of the plan and plat. If the plan as submitted contains variations of substance from the previously approved preliminary development plan the Planning Commission may, after meeting with the landowner, refuse to grant final approval and shall so advise the landowner of said refusal, giving the reasons such variations are not in the public interest.

The landowner may either submit a final development plan and plat in conformance with the preliminary plan or file a written appeal with the City Council within 30 days of the refusal date. The City Council shall consider the appeal at its next regularly scheduled meeting.

Before the final development plan and plat has been approved, the applicant shall assure installation of required public improvements as required for final plat approval in the Ward Subdivision Regulations. After compliance has been reached with all provisions of the PUD regulation and Subdivision Regulation, the Engineer of Record shall present to the staff the original documents, which after application of proper signatures shall be recorded with the County Clerk's Office.

7.3.3 Submission Requirements.

As part of the application process, the applicant shall be required to submit the following documents and information.

A. Preliminary Development Plan and Plat.

1. A statement describing the character of the development and including the rationale behind the assumptions and choices made by the application.
2. A site plan as described in Article 6, Section 5 of this regulation.
3. A development schedule indicating the approximate date when construction of the development or stages of the development can be expected to begin and to be completed.
4. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, including land areas, and dwelling units.
5. A Preliminary Plat in accordance with the Subdivision Regulations for the City of Ward.

B. Final Development Plan and Plat.

1. A letter from the applicant requesting final development plan review.
2. A description of the maintenance provisions of the development.
3. Final subdivision plat.
4. A final site plan reflecting any changes from the original site plan.
5. Property owner association agreement and protective covenants.

Building permits may be issued upon request by the owner or developer based on the approved final development plan and plat.

7.3.4 Waivers or Variances not Permitted.

Once the final plan and plat have been approved, the Board of Adjustment will not have jurisdiction over variances of lot sizes, bulk or area regulations, and variances or waivers thereof will not be permitted.

7.3.5 Modification of Plan and Plat.

If, after the development of the PUD has commenced, it becomes either impossible or unconscionable for the applicant to adhere to the approved plan and plat, a modified plan and plat, consistent in intent, can be submitted to the Planning Commission for public hearing, with notice to adjacent property owners, and the City Council for final approval. The modified plan and plat may be substituted for the original plan and plat upon approval by both the Planning Commission and the City Council to the extent it is deemed just and proper so as to relieve the difficulty or hardship in question, provided that such relief may be granted without detriment to the public interest.

SECTION 8.0 CONDITIONAL USE REVIEW AND SITE PLAN REVIEW

Certain specified uses of land and buildings are declared to be "Conditional Uses" in the various zoning districts. These conditional uses, prior to establishment, require a Public Hearing and Site Plan Review. In addition, there are uses of land and buildings which are permitted by right in the various zoning districts and are therefore not conditional but which do, also, require a Site Plan Review.

8.1 General Purpose

The purpose of this section is to set forth procedures for processing conditional uses and to establish standards by which conditional uses can be evaluated. Section No. 8.10 reviews the requirements of the Site Plan Review process. The Planning Commission shall hear and recommend, in accordance with provisions of this Regulation, each individual request for conditional use permits. Only those uses which are specifically listed as "conditional uses" in the respective zoning classifications may be requested for conditional use authorization. After detailed review of its compatibility with the area and the specific treatment of screening, landscaping, and other amenities provided to protect the integrity of the neighborhood, the Planning Commission shall forward its recommendation to the City Council for final action.

8.2 Application Procedure

Application for conditional use approval shall be made by the property owner or authorized agent for the owner. Said application may accompany a rezoning request or may be applied for by itself as long as the use is recognized as a conditional use in the existing zoning classification. The application shall be submitted to the City Clerk will collect the filing fee and process all applicable surveys, site plans and other supporting information pertinent to this review process.

8.3 Submission Requirements

The submission requirements (except the letters to abutting property owners) for a conditional use shall be the same as for the rezoning of any lot, parcel or tract of land, in that a public hearing is required. Each application shall include a Site Plan that includes those items listed in Section No. 8.10.5.

8.4 Uses Exclusively Conditional

Certain uses, due to their public/quasi-public nature and their potentially deleterious impact on adjacent properties, are not applicable "by right" in any zoning classification except the Industrial District. Such uses may only be placed within the City of Ward as Conditional Uses. They are:

- A. Utility Storage Yard
- B. Utility Substation
- C. Water/Sewage Treatment Plant or related ancillary facilities
- D. All uses of land and structures proposed for establishment in the "OS" District.

8.5 Conditional Use Review Process

The Planning Commission shall review each individual conditional use for approval, approval with modifications, deferral or denial and then shall submit recommendation to the City Council.

8.6 Planning Commission and City Council

1. The Planning Commission shall review conditional use applications at a scheduled public hearing, at which time interested persons may appear and offer information in support of or against the proposed conditional use. The Planning Commission shall then make one of the following recommendations to the City Council: approve the conditional use as submitted; approve the conditional use with modifications; defer the conditional use or deny the conditional use.
2. The Planning Commission and City Council may impose conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to reduce or minimize the injurious effects of the conditional use. The conditional use must insure compatibility with the surrounding property to better carry out the general intent of this Regulation.
3. In no case shall the Planning Commission or City Council authorize reduction from minimum requirements of the Regulation relating to area, parking, landscaping, or screening.

8.7 Development Standards and Review Guidelines

In carrying out the purpose of this section, the following development standards and design specifications shall be applicable to the conditional use review and approval. The appropriateness of these standards shall be determined at the discretion of the Planning Commission and City Council for each specific conditional use location.

- A. The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.
- B. The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
- C. The proposed use is within the provision of "conditional uses" as set out in this Regulation.
- D. The proposed use conforms to all applicable provisions of this Regulation for the district in which it is to be located, and the use facilities public convenience at that location.
- E. The size and shape of the site, including the size, shape and arrangement of proposed structures is in keeping with the intent of this Regulation.
- F. The internal street system, ingress and egress, proposed off-street parking, loading and pedestrian ways are adequate and in compliance with city policy and regulation.

G. Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.

H. Landscaping may be increased in accordance with the judgment of the Planning Commission and City Council to accomplish the desired protective and aesthetic effect.

G. Open space screening and fencing will be maintained by owner/developer or a property owners association. Proposed signage will be in accordance with City of Ward sign regulations.

8.8 Conditions Binding

Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise, of such authorization must commence within 60 days. No conditional use authorized by the Planning Commission or City Council shall be subsequently submitted to the Zoning Board of Adjustment for variances. Amendments or changes to a conditional use authorization must follow the same process as the original conditional use, no building permit shall be issued except in conformance with the provisions of this section.

8.9 Right of Appeal

Any petitioner who is aggrieved by the decision of the City Council shall have the right to appeal to a court of record.

8.10 Site Plan Review

8.10.1 General Purpose and Review Guidelines

The purpose of this section is to set forth procedure for processing site plans and to establish standards for development within those districts which require regulation by this Section.

Site Plan Review is a development review process that provides for case by case consideration of project particulars including the provision of parking and landscaping, drainage, siting of buildings, and the compatibility of the proposed development with adjacent uses.

All development shall be designed in such a way as to minimize any potential deleterious impact on the surrounding area. Special attention shall be given to buffering multi-family, commercial and industrial developments from adjacent single-family areas. Design of the internal street system, ingress and egress, off-street parking, loading and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to reduce erosion, heat and glare, and said areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space or other buffer may be required to give adequate separation between uses which are not compatible and shall also be provided for the beautification and enhancement of the property.

8.10.2 Applicable Districts

The site plan review process shall apply to all applications for building permits for the specified uses in the following zoning districts

1. "R-1" - Cluster housing
2. "R-2" - All Multi-Family Dwellings
3. "All Uses in Commercial Districts"
4. "I-1" - Industrial Park Arrangement
5. All Conditional Uses in the various zoning districts.

8.10.3 Procedure and Authority

1. The Planning Commission shall review site plans prior to the issuance of a building permit. The plan will be assessed for compatibility with standards and criteria provided herein. Public hearing of a site plan proposal shall take place at scheduled meetings at which time interested persons may appear and offer information in support of or against the proposed site plan. The Planning Commission, following said public hearing, will then take one of the following steps: approve the site plan as submitted; approve the site plan with modifications; defer the site plan for future review; or deny the site plan.

2. In addition to the special requirements of this section, the Planning Commission may impose on a site plan such additional requirements as are necessary to safeguard the public health, safety and general welfare. The Planning Commission may require the applicant to submit a revised site plan incorporating the imposed requirements and modifications or may elect to approve a site plan on the contingency the requirements and modifications will be made.

8.10.4 Initiation

Any application for a zoning classification or building permit which involves site plan review may be initiated by the owner or other person having a contractual interest in the property, or by the authorized agent of such owner or person.

8.10.5 Submission Requirements

1. Zoning Submission

The submission requirements for the rezoning of any lot, parcel or tract of land which includes site plan review shall be the same as for any other zoning application that requires a site plan review.

2. Site Plan Submission

The submission requirements for the review of a site plan preceding the receipt of the building permit shall include the following:

A. A site plan to be submitted on white paper no larger than twenty-four (24) inches by thirty-six (36) inches, and no smaller than twelve (12) inches by twenty-four (24) inches, and including:

(i) Graphic scale.

(ii) Proposed lot lines if applicable

(iii) Existing and proposed vehicular and pedestrian circulation systems including streets, alleys, walkways, service areas and loading street parking areas and all points of vehicular ingress and egress.

(iv) Proposed perimeter treatment of the property, indicating screening materials to be used including fences, walls, and plant materials.

(v) Schematic landscape plan showing proposed treatment of the areas designated as private common open space.

(vi) Location and dimension of all existing and proposed utility drainage, and street easements and all existing public improvements within the site.

(vii) Proposed location of structures and structural dimensions, dimension of distances between buildings, and distances from structures to property lines.

(viii) Engineering drawings with pertinent location, dimensions and capacity of surface drainage in conformance with at least the minimum requirements of the City's subdivision Regulation Ordinance.

(ix) Statement of proposed use of land and structures.

B. A topographical cross section map of the site and the location of the 100 year flood elevation if involved on the parcel of land.

C. Quantitative data including the following information:

(i) Parcel size.

(ii) Proposed building coverage of principal and accessory buildings.

(iii) Proposed floor area of principal and accessory buildings.

(iv) Proposed number of parking spaces.

D. A registered land survey showing the exact property or boundary lines, including a legal description of the total site(s) proposed for development, including a statement of present ownership.

8.10.6 Site Plan Disapproval

A finding by the Planning Commission of lack of compliance with the following standards may result in disapproval.

A. The proposed site plan is incomplete or contains or reveals violations of this Regulation or applicable zoning regulations which the applicant has, after written request, failed or refused to supply or correct.

B. The proposed site plan does not comply with the minimum height and bulk and area or density regulations applicable to the zoning classification for which the site plan has been requested.

C. The proposed site plan does not comply with the minimum screening and landscaping requirements of the City of Ward as determined by the Planning Commission or the City Council.

D. The proposed site plan interferes unnecessarily with easement, road-ways, utilities, and other public or private rights-of-way.

E. The proposed pedestrian and vehicular circulation systems incorporated in the site plan subsequently create hazards to safety on or off the site.

F. The proposed site plan does not conform to the minimum drainage requirements found in the Subdivision Regulation.

G. The proposed site plan violates the basic intent of this Regulation or does not comply with those conditions which were stipulated at the time of zoning designation.

8.10.7 Effect of Approval

A. An approved site plan shall be binding on the applicants and their successors and assignees. No building permit shall be issued for any building or structure not in conformance with the site plan. The construction, location, use, or operation of all land and structures within the site shall be in accordance with all conditions and limitations set forth in the site plan. No structure, use or other element of an approved site plan shall be eliminated, altered, or provided in another manner unless an amendment is approved in accordance with this section, provided, however, that the Zoning Enforcement Officer may approve such minor changes in the site plan as will not cause any of the following circumstances to occur:

1. Any change in the allowable use of the development.
2. An increase of greater than five (5) per cent in the number of dwelling units, but not to exceed the total allowable dwelling units in the respective zoning classification.
3. Any modification compounding the problems of vehicular circulation, safety, and provision of public utilities.
4. Any modification having an adverse impact on adjacent property.
5. Any appreciable reduction of the approved building setback lines.
6. Any reduction of the off-street parking and loading requirements below those specified in this Ordinance.
7. Any change in the allowable size, lighting, or orientation of signs.

B. Whenever the individual responsible for reviewing building permits finds that any proposed construction or occupancy will not comply with the approved site plan, the question shall be referred to the Planning Commission for review.

8.10.8 Amendments and Modifications

The holder of an approved site plan may request modification of the site plan or the conditions of approval by submitting an amended site plan which shall be filed and processed in the same manner as the original application.

8.10.9 Appeals

Any applicant aggrieved by a decision of the Planning Commission as it relates to the site plan review process shall have the right to appeal to the City of Ward City Council.

SECTION 9.0 GENERAL PROVISIONS

9.1 Accessory Buildings

An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building. For purposes of this Zoning Regulation a storm cellar and Satellite Receiving Station greater than thirty (30) inches in diameter are construed to be accessory buildings and shall be screened by appropriate fencing or landscaping means. No accessory building shall be greater than 50 per cent of the principal building in square footage of floor area.

An accessory building attached to the principal building shall be made structurally a part of, and have a common wall with the principal building and shall comply in all respects with the requirements of these regulations applicable to the principal building. Unless so attached, the accessory building shall be located on the rear one-half of the lot.

The set-back requirements for accessory buildings in the various zoning districts are as follows:

A. R-1 Single Family Detached

(1) side yard, six (6) feet

(2) rear yard, six (6) feet

B. R-2 Multi-Family

(1) side yard, six (6) feet

(2) rear yard, six (6) feet

C. I-1 Industrial District

(1) side yard, twenty-five (25) feet

(2) rear yard, twenty-five (25) feet

9.2 Nonconforming Uses

9.2.1 Continuing Existing Nonconforming Uses

A. Any use of land, building, or structure existing at the time of the enactment of these regulations may be continued even though such use, building, or structure may not conform with the provisions of these regulations for the district in which it is located, and;

B. Any nonconforming manufactured (mobile or modular) home may be upgraded by replacing the existing structure with a manufactured (mobile or modular) home not more than five (5) years old, using date of manufacture, having a minimum width of twenty four 24 feet, and a minimum length of twenty eight 28 feet.

9.2.2 Limitations on Nonconforming Uses

A nonconforming use of a building or land shall not be changed, extended, re-constructed, enlarged or structurally altered unless:

1. Such change is required by law or order.

2. Authority is granted by the Planning Commission and the City Council.

3. Such repairs and maintenance work are required to keep the building structurally sound.

9.2.3 Cessation of Nonconforming Use

A lawful nonconforming use of a building, structure or land, that has been voluntarily discontinued for a period of six calendar months shall not thereafter be resumed. Whenever a nonconforming use has been changed to a conforming one, such use shall not thereafter be changed to a nonconforming use.

9.2.4 Replacement of Damaged or Destroyed Nonconforming Uses

With exceptions, any nonconforming building or structure damaged by fire, flood, explosion, wind, earthquakes, or other calamity or act of natural consequences may be restored or reconstructed or used as before the calamity or natural consequence, provided such restoration be completed within six (6) months of such happening.

Exceptions:

1. If the nonconforming building can be restored or reconstructed to achieve conformity, ie., meet minimum yard or height requirements of this ordinance, the owner/builder is required to achieve conformity.
2. If the nature of the nonconformity is the use of the land or building the use shall not be changed after restoration to a use that is less compatible with the zone in which it is located. In no case shall a building or the use of a building or use of land be restored if said use or building has been declared by law to be a public or private nuisance.

9.3 Off-Street Loading

Every building or structure hereafter constructed in any district for non-residential purposes, requiring the receipt or distribution by vehicles of material or merchandise, shall provide and maintain on the same lot with such building at least one off-street loading space for the first 5,000 square feet, or fraction thereof, of gross floor area, and one additional such space for each 10,000 square feet or major fraction thereof of gross floor area in excess of 5,000 square feet.

Each loading space shall not be less than ten feet in width, 35 feet in length, and 14 feet in height. An access drive not less than 10 feet in width shall be provided leading from the street to the loading area, except when the loading space abuts a street or alley or easement of access.

Such space may occupy all or any part of any required yard space, but no such space may be closer to a residential district than 25 feet, unless the space is wholly within a closed building or unless enclosed on all sides facing such residential district by a solid fence or wall at least six feet in height.

9.4 Fences and Screens

9.4.1 Residential

The City of Ward is concerned that the erection of fences in yard space fronting on streets may impair the sight distance of the operator of moving vehicles on streets to the extent of creating a traffic hazard and that the erection of fences such as these may obstruct the view from dwellings placed on adjoining lots.

Application for a permit to build a fence on a lot or lots in R Districts shall be made by the owner or agent of said lot or lots to the Zoning Enforcement Officer, City of Ward. The application shall indicate in writing or by graphic means the location, height, materials and construction method of the proposed fence.

Any fence or screen constructed beyond the front building line on any lot including corner lots must not exceed three (3) feet in height and must be of non-opaque construction. Any fence or screen proposed for construction in a side yard facing a street on a corner lot shall be subject to a finding by the Zoning Enforcement Officer as follows:

The Enforcement Officer shall review or cause to be reviewed the application taking into consideration:

1. The aspects of traffic hazard and view obstruction from adjoining lots and;
2. The proposed fence material and construction method in order to eliminate unsightly and dangerous fences.

Upon a finding by the Enforcement Officer that the proposed fence does not violate the stated concerns of the City of Ward the permit shall be issued.

If a permit is denied based on the applicant's proposal, the applicant may appeal the Enforcement Officer's decision to the Planning Commission for a hearing and recommendation to the Ward City Council.

An appeal from the City Council' decision may be made by the applicant to a court of record.

SECTION 10.0 SPECIAL PROVISIONS

10.1 General

Subsections 10.2 through 10.4 describe the special conditions under which certain uses are permitted in a zoning district.

10.2 Flammable Liquids and Gases, Storage of:

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code.

10.3 Home Occupations

Any occupation or activity as defined below may be permitted in the home and carried on by a member of the immediate family, residing on the premises, in connection with which there is:

- A. No display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and
- B. No commodity sold upon the premises, except that which is prepared on premises; and
- C. No person employed other than a member of the immediate family residing on the premises; and
- D. No mechanical equipment used except of a type that is similar in character to that normally used for purely domestic or household purposes and equipment which is purchased and designed for and used primarily as equipment in the pursuit of a hobby shall be considered as used for purely domestic or household purposes. Home occupations shall be prohibited if such equipment is used to produce and sell regularly, as compared to occasionally, products of any description or in connection with the sale of the services of an operator of such equipment.

Home occupation is any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Such uses as tearoom, tourist home, animal hospital and dancing school shall not be deemed to be home occupations.

Provided, however, that any person desiring to use premises in a residential zone, shall before making such use of the premises make application for and obtain from the City Clerk a special home occupations license tax to be paid in an amount that shall be consistent with the schedule established for such business in a commercial zone.

The Zoning Enforcement Officer shall make necessary inspections to assure compliance with pertinent regulations. The Inspector's findings and conclusions shall be made known to the City Clerk and the property owner as necessary.

Use of the premises contrary to applicable regulations shall constitute a violation of this ordinance and be punishable as other similar violations may be punishable.

SECTION 11.0 PARKING SPACE REQUIREMENTS

11.1 General Conditions

The requirement to provide and maintain the off-street parking space herein required shall be the joint and several responsibility of the operator and owner of the use and the operator and owner of the land on which off-street parking space is required to be provided and maintained. All parking and drives shall be paved with concrete or asphalt as approved by the City. No land shall be used or occupied, no structure shall be designed, erected, altered, used or occupied and no use shall be operated unless the off-street parking space herein required is provided in at least the amount specified and maintained in the manner herein set forth. Parking space and access for the handicapped shall be provided in accordance with Arkansas State Laws concerning handicapped parking.

11.1.1 Location of Off-Street Parking Space

Off-street parking space shall be located on the same lot as the use for which provided and may be composed of one or several separated parcels, unless otherwise provided for herein.

11.1.2 Separation of Combined Space

Separate off-street parking space shall be provided for each use of the parking space required of two (2) or more uses located on the same lot but may be combined and used jointly; provided, however:

1. Where off-street parking space is combined and used jointly by two (2) or more uses having different standards for determining the amount of off-street parking space required, the parking space shall be adequate in area to provide the sum total of off-street parking space requirements of all such uses.
2. Where off-street parking space is combined and used jointly by two (2) or more uses having the same standard for determining the amount of off-street parking space required, all of such uses, for the purpose of this section, shall be considered a single unit and the gross floor area of all such uses in all structures on the same lot or the number of employees of all such uses in all structures on the same lot, as fixed by the applicable standard, shall be taken as a single total for the purpose of determining the amount of off-street parking space required.

11.2 Site Plan Requirements

The site plan submitted shall show the location and design of entrances and exits to public roads, the location and size of all buildings and structures, location of parking spaces, directional markings, traffic control devices and signs, walls, fences, landscaped areas, banks, berms, change of grades and planting materials, including the type and names of the materials proposed to be planted, and shall contain such other information in the form required by the City of Ward. The site plan shall be prepared with careful regard to the location of the parking facilities with relation to adjoining and neighborhood commercial, industrial, multi-family and other residential improvements, and shall be devised to have the less adverse effect on such adjoining or neighboring properties. Shrubs, vines, trees, walls, fences, berms, and other materials used shall be of a nature to be permanent and requiring as little maintenance as possible. Planting strips in which trees or other natural growth are located shall be of sufficient width or shall be so designed so that the plantings and trees shall be protected from vehicles. Trees and plants shall not be of a kind to have offensive or injurious gum, moisture, fruit, or seed droppings. Plantings and structures shall be located with due regard to traffic safety.

11.3 Plans and Design Standards

- A. Designs and plans for areas to be used for automobile off-street parking and loading shall show in detail the location and extent of the area and other features, conditions or requirements of these Regulations.
- B. Each automobile parking space shall be not less than one hundred and eighty (180) square feet in area with minimum dimensions of nine (9) feet by twenty (20) feet. In addition, there shall be provided adequate interior, entrance and exit driveways to connect each parking space with a street or alley open to use by the public. However, a driveway within a required front yard for a one-family residence, Cluster House or Townhouse may count as one (1) parking space.
- C. For group parking facilities with capacity for six (6) or more vehicles:
- (1) All such off-street parking facilities shall be so drained as to prevent damage to abutting properties and/or public streets.
 - (2) All parking spaces shall be separated from sidewalks, roads, streets or alleys by curbing, and all roads, streets, alleys, sidewalks, and other public rights-of-way shall be protected from vehicular overhang by wheel bumpers, curbs, five (5) foot spacing between the right-of-way line and the parking area, or other method approved by the Planning Commission.
 - (3) Interior driveways and entrance and exit driveways shall be at least ten (10) feet in width to allow safe and expeditious movement of vehicles; one-way movement in such driveways shall be provided for whenever possible; and entrance and exit driveways shall be separately provided wherever possible, or if combined shall be not less than twenty (20) feet in width.
 - (4) All such off-street parking areas shall be so arranged and marked as to provide for orderly safe loading, unloading, parking and storage of vehicles with individual parking spaces clearly defined, and directional arrows and traffic signs provided as necessary for traffic control.

(5) Adequate lighting shall be provided if the parking facilities are used at night.

(6) Pedestrian walkways and sidewalks shall be provided in addition to all required parking spaces and drives on all off-street parking facilities where found necessary for pedestrian safety by the Planning Commission; such walkways and sidewalks shall be protected from vehicular overhang and movement by bumpers, curbs, or other methods.

(7) Lighting of off-street parking facilities shall be installed and maintained in a manner not to reflect or cause glare into abutting or facing residential premises, nor to cause reflection or glare which adversely affects safe vision of operators of vehicles moving on roads and highways.

(8) If such off-street parking facilities adjoin, or are across a street or alley from property classified Residential, the entrance and exit driveways of such facilities shall, wherever possible, be located so that they will not be in close proximity to or across a street or alley from the residential property.

(9) In the event a parking lot adjoins a residential district, all parking surfaces, spaces, and driveways shall be set back a distance not less than twenty-five (25) feet from the adjoining residential zone; except that if the adjoining land is across an existing or planned public right-of-way fifty (50) feet or greater in width, this provision shall not apply.

(10) Computing number of employees.

For the purpose of this section, the number of employees shall be the average number of persons to be employed taking into consideration day, night and seasonal variations.

(11) Reduction in areas.

No automobile off-street parking facility shall be reduced in area or encroached upon by buildings, vehicle storage or any other use where such reduction or encroachment will reduce the area below that required.

(12) Interior and roof parking.

All garage or other space allocated for the parking of vehicles within buildings or in basements or on the roof of buildings, shall be considered part of the required off-street parking facilities and may be included as such in computing the area's requirements outlined in the Schedule of Parking Requirements.

When the parking facilities are housed in an underground garage or a multi-storied structure or on the roofs of buildings, a site plan shall be submitted hereunder for approval of interior traffic directions, slope of ramp, for location of entrances and exits on public roads, for approval of sight distances at such entrances and exits and at corners of intersecting public roads, and for approval of the effective screening of the cars located in or on the parking structure from adjoining properties and from public roads.

(13) Distance from main building.

All automobile off-street parking facilities shall be located so that the major point of pedestrian access to the facilities is no more than five hundred (500) feet walking distance from the entrance to the establishment to be served by such facilities.

(14) Mixed uses.

When any land or building is used for two (2) or more purposes the number of parking spaces required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

Computation for one (1) use can govern when the two (2) uses are used during separate times in the day or night.

(15) Cooperative establishment of parking areas.

Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of the individual requirements for each use, and provided further, that all regulations contained in this section are complied with.

11.4 Schedule of Parking Requirements

Off-street parking space shall be provided as follows:

Ambulance service or rescue squad:

Adequate space to accommodate all motor vehicles operated in connection with such use and two (2) additional parking spaces per each such vehicle.

Apartment:

Same as multiple-family dwelling.

Automobile filling station:

Two (2) parking spaces for each car wash bay, grease bay, or similar service area, and one (1) parking space for each employee.

Automobile repair and service station:

One (1) parking space for each three hundred (300) square feet of total floor area, and one (1) parking space for each employee.

Care Home:

One (1) parking space for each three (3) residential units.

Church, synagogue or other place at worship:

One (1) parking space for each seven (7) persons for which seating is provided in the main auditorium. No additional spaces will be required if the church, synagogue or other place of worship is located within five hundred (500) feet of any public parking lot or any commercial parking lot where sufficient spaces are available during the time of services to make up the additional spaces required.

Commercial establishment devoted to retail sales, trade, merchandising or other similar use:

One (1) space per three hundred (300) square feet of gross floor area up to ten thousand (10,000) square feet. For structures larger than ten thousand (10,000) square feet, the above parking requirement shall be provided and the following percentage shall be taken of the remaining gross floor area:

10,001 to 20,000 sq. ft.	95% of Parking Requirement
20,001 to 30,000 sq. ft.	90% of Parking Requirement
30,001 to 40,000 sq. ft.	85% of Parking Requirement
40,001 sq. ft. and up	80% of Parking Requirement

As used herein, gross leasable area is defined as the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and the upper floors if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls. Not included in this definition are separate standing office or professional buildings, or theaters. This definition does include banks and other such activities which are a part of a shopping center.

Community center, library, museum, civic club, private club, lodge, and similar uses:

One (1) parking space for each four hundred (400) square of floor space.

Educational institution, private:

One (1) parking space for each employee including teachers and administrators, plus sufficient off-street parking space for the safe and convenient loading and unloading of students, plus additional facilities for all student parking.

Charitable and philanthropic institution:

One (1) parking space for each employee, plus one (1) parking space for each four hundred (400) square feet of total floor area for residents and visitors.

Fraternity, sorority, and dormitory:

One (1) parking space for each two (2) students residing on the premises in a fraternity, three (3) students in a sorority, and four (4) students in a dormitory, plus one (1) additional space for each housemother or manager and each employee.

Furniture store:

One (1) parking space for each one thousand (1,000) square feet of total floor area plus one (1) space for each employee.

Heliport:

If at ground level, adequate space for off-street parking of at least fifteen (15) vehicles. If elevated, reasonable parking space shall be provided or be available for use, either at ground level or on or in an elevated structure, as the discretion of the Planning Commission may require for the convenience of persons using or working at the facility.

Hospital:

One (1) parking space for each one (1) bed, plus one (1) space for each resident doctor, plus adequate reserved space for visiting staff doctors, plus one (1) space for each three (3) employees.

Hotel:

One (1) space for each transient bedroom plus one (1) parking space for each two (2) employees; plus one (1) parking space for each four hundred (400) square feet of area used for ball rooms, private meeting rooms, dining rooms and other similar places of assembly.

Industrial or manufacturing establishment or warehouse:

One (1) parking space for each employee on two (2) shifts, plus one (1) space for every vehicle used in connection with the business.

Medical or dental clinic:

One (1) parking space for each two hundred (200) square feet of the total floor area of the building.

Manufactured home park:

Two(2) parking spaces for each manufactured home space plus one (1) space for each four (4) home spaces in common areas for visitor parking.

Mortuary or funeral parlor:

One (1) parking space for each twelve (12) square feet in the main chapel or parlor, plus one (1) parking space for each employee on the major shift, and one (1) parking space for each vehicle used in connection with the business.

Medical practitioner's office:

Not less than four (four) parking spaces for each practitioner occupying or using said office.

Multiple-family dwelling:

For each apartment with no separate bedroom - one (1) space; for each apartment with one (1) separate bedroom - one and one-half (1-1/2) spaces; for each apartment with two (2) or more separate bedrooms - two (2) spaces. Not more than fifty per cent (50%) of the total area of the minimum required yards shall be occupied by parking spaces, drives, access roads to, from and between such spaces, turnarounds or other surfaces designed for vehicular use.

Nursing home:

One (1) parking space for each three (3) residents.

Office building, professional building, or similar uses:

One (1) parking space for each four hundred (400) square feet of the sum of the gross areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of party walls, which area shall include cellars or basements but shall not include floor area used for off-street parking.

For structures larger than ten thousand (10,000) square feet, the above parking requirement shall be provided and the following percentage shall be taken of the remaining gross floor area:

10,001 to 20,000 sq. ft. 95% of Parking Requirement
20,001 to 30,000 sq. ft. 90% of Parking Requirement
30,001 to 40,000 sq. ft. 85% of Parking Requirement
40,001 sq. ft. and up 80% of Parking Requirement

One-family dwelling:

Two (2) parking spaces for each dwelling unit.

Professional office other than medical practitioner:

Two(2) spaces for each professional person occupying or using said office.

Recreational establishment, commercial, other than a theater, auditorium or stadium:

One (1) parking space for each eighty (80) square feet of floor area. Restaurant or similar place dispensing food, drink or refreshments:

One (1) parking space for each fifty (50) square feet of floor area devoted to patron use within the establishment and one (1) parking space for each eighty (80) square feet of ground area devoted to patron use on the property outside the establishment.

Rooming house and boarding house:

One (1) parking space for each guest accommodation.

Semi-detached or two family dwelling:

Same as one-family dwelling

Swimming Pool, Commercial:

One (1) parking space for every four (4) persons lawfully permitted in the pool at one time.

Swimming Pool, Community:

One (1) parking space for every seven (7) persons lawfully permitted in the pool at one time.

Theater, auditorium, or stadium:

One (1) automobile parking space for each four (4) seats or similar vantage accommodations provided, plus one (1) space for each employee.

Townhouse:

Two (2) parking space for each townhouse.

Tourist home, cabin or motel:

One (1) space for each transient bedroom plus one (1) parking space for each two (2) employees; plus one (1) parking space for each four hundred (400) square feet of area used for ball rooms, private meeting rooms, dining rooms and other similar places of assembly.

Trailer coach space or tourist cabin camp:

One (1) parking space for each trailer space, and one(1) parking space for each employee.

11.5 Maximum Parking Lot Size

Multi-family, commercial or industrial parking lots containing two hundred (200) or more parking spaces shall be divided into parking areas of not more than two hundred (200) cars each and shall be separated by landscaping, change of grades, buildings, or other natural or artificial means. Not less than five percent (5%) of the total parking area shall be devoted to such internal landscaping and interior parking separation areas. In multi-family parking lots the five percent (5%) requirement shall not be in addition to, but shall be computed as apart of any green area requirement.

Maintenance of these areas is important for their general preservation.

The City of Ward will require that provisions are made by each project for maintenance.

11.6 Off-Street Loading Requirements

Off-street loading berths, open or enclosed, are permitted accessory to any use (except one or two-family residences) subject to the following minimum provisions:

A. Uses for Which Required. Accessory off-street loading berths shall be provided for any use specified below. Any land which is developed as a unit under ownership and control shall be considered a single lot for the purpose of these minimum loading requirements.

(1) For a public library, museum, or similar quasi-public institution, or government building, community center, hospital or sanatorium, nursing or convalescent home, institution for children or the aged, or school with floor area of ten thousand (10,000) square feet, one (1) berth, for each additional twenty-five thousand (25,000) square feet or fraction thereof, one (1) additional berth.

(2) For buildings with professional, governmental, or business offices, or laboratory establishments, with floor area of ten thousand (10,000) to twenty-five thousand (25,000) square feet, one (1) berth; for each additional twenty-five thousand (25,000) square feet or fraction thereof up to one hundred thousand (100,000) square feet, one (1) additional berth; for each additional fifty thousand (50,000) square feet or fraction therefore, one (1) additional berth.

(3) For buildings with offices and retail sales and service establishments, one (1) berth for eight thousand (8,000) to twenty-five thousand (25,000) square feet of floor area, and one (1) additional berth for each additional twenty-five thousand (25,000) square feet of floor area or fraction thereof so used.

(4) For undertakers and funeral homes, one (1) berth or each chapel. (Such berths shall be at least ten (10) feet wide, twenty (20) feet long, and fourteen (14) feet high).

(5) For hotels, motels and resorts, one (1) berth for each twenty-five thousand (25,000) square feet of floor area.

(6) For manufacturing, wholesale and storage uses, and for dry cleaning and rug cleaning establishments and laundries, one (1) berth for five thousand (5,000) to ten thousand (10,000) square feet of floor area in such use, and one (1) additional berth for each additional twenty thousand (20,000) square feet of floor area or fraction thereof so used.

B. Size of Spaces. Each required loading berth shall be at least twelve (12) feet wide, thirty-three (33) feet long, and fourteen (14) feet high.

C. Location and Access. Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lots as the use to which they are accessory, except as provided in the Section on Joint Facilities. No entrance or exit for any off-street parking area shall be located within fifty (50) feet of any street intersection. No off-street loading berth shall be located in any front yard.

D. Joint Facilities. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments provided that the number of required berths in such joint facilities shall not be less than the total required for all such requirements.

11.7 Screening, Traffic Control, Safety, and Site Plan Requirements

All off-street parking areas with spaces for more than five vehicles shall be effectively screened on each side, which adjoins or faces a residential zone or institutional premises. Except, that such screening shall not be required where the parking area is already effectively screened from the residential zone or institutional premises by a natural terrain feature, railroad track on elevated ground, change in grade or other permanent natural or artificial screen or is separated therefrom by a road with a right-of-way width of one hundred and twenty feet (120) or more.

Such screening shall be a solid wall or a substantial, opaque solid fence, not less than five (5) feet in height. In lieu of such fence, a compact evergreen hedge of not less than three (3) feet in height at time of original planting may be used. The fence, wall and/or hedge, or permanent natural or artificial screen shall be maintained in good condition and no advertising shall be placed thereon. The screening shall be designed and maintained so that safe vehicle sight distance shall not be affected at entrances, exits, or at street intersections. Where one off-street parking area adjoins or abuts another such parking area under different ownership or use, a landscaped planting strip not less than five (5) feet wide maintained in good condition may be used in lieu of the above required screening. The screening shall normally be located abutting the side, rear or front property line but may be located at the most appropriate place as approved by the Planning Commission between the perimeter of the parking area and the property line to provide the most effective shield for the adjoining or facing premises from car lights, noise and traffic movement.

Effective screening of parking lots contiguous or adjacent to any public road.

Such screening may be accomplished by depression in grade by three (3) feet or more by a berm, a hedge, or wall or any type of appropriate natural or artificial permanent division.

Any screening barrier required shall be not less than three (3) feet high and intermittently should have trees or other similar features. Entrances and exits to public roads shall provide safe sight distances free of any obstruction. It shall be mandatory that there be ample safe sight distances at the corner of intersecting public roads clear of any building or other artificial or natural obstructions.

Effective channelization and division of parking areas within the interior of the parking lot for pedestrian and vehicular traffic may be accomplished by use of landscaped areas with trees, walls, fences, other natural growth or artificial features, raised curbs, marked directional lanes and controls, change of grade or other devices to mark points of turn, to separate parking areas, and to control traffic movement. Traffic channelization and traffic controls will be approved by the Planning Commission with regard to ingress and egress to public roads and to safe movement of traffic on the parking lot.

SECTION 12.0 BOARD OF ZONING ADJUSTMENT

12.1 Creation and Appointment of Members

The Board of Zoning Adjustment by stipulation in this Regulation is hereby created in accordance with Act 186 of 1957 (14-56-416), or as amended. The Board of Zoning Adjustment shall consist of city appointed members. The Planning Commission as a whole shall sit as the Board of Zoning Adjustment.

12.2 Officers

The Zoning Board of Adjustment shall meet to designate one of its members as chairman, select a vice-chairman, and select a secretary. The secretary does not need to be a member of the Board of Zoning Adjustment. The terms of office of the chairman and other members shall be as provided by the by-laws of the Zoning Board of Adjustment.

12.3 Meetings

The Board of Zoning Adjustment shall establish regular meeting dates providing for at least one regular meeting to be held in each calendar year.

12.4 By-Laws

The Board of Zoning Adjustment shall adopt by-laws for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions.

12.5 Public Meetings

Each session of the Board of Zoning Adjustment shall be a public meeting with public notice of said meeting and business to be carried on (the agenda) to be published in a newspaper of general circulation in the City, at least one (1) time seven (7) days prior to the meeting.

12.6 Functions

The Board of Zoning Adjustment shall have the following functions:

A. Hear Appeals from the decision of the Zoning Enforcement Officer in respect to the enforcement and application of the zoning regulation; and may affirm or reverse, in whole or in part, said decision of the Zoning Enforcement Officer.

B. Hear requests for variances from the literal provisions of the zoning regulation in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual properly under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulation. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the zoning regulation. The Board of Zoning Adjustment may impose conditions in granting of a variance to insure compliance and to protect adjacent property.

Decisions of the Board of Zoning Adjustment in respect to the above shall be subject to appeal only to a court of record having jurisdiction.

12.7 Procedure for Appeals to the Board of Zoning Adjustment

12.7.1 Application and Public Hearing

Appeals may be taken to the Board of Adjustment by any person affected by a decision of the enforcement officers of these regulations. All appeals shall be made in writing and filed with the Secretary of the Board, specifying the grounds for such appeal. The Board shall fix a reasonable time for a public hearing on the appeal. A public notice shall be published at the applicant's expense at least once not less than seven days preceding the date of such hearing, in a newspaper of general circulation in Ward. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of the reason for the appeal.

The applicant for a variance or any appeal to the Zoning Board of Adjustment resulting in a public hearing shall procure signs announcing the variance or appeal from the city offices, City of Ward and shall display said signs in the manner prescribed. Signs shall be posted at least seven (7) days preceding the date of the public hearing for the variances or appeal.

12.7.2 Fee

The fee for any appeal to the Board of Zoning Adjustment shall be as set by the City, no part of which shall be refundable. The Secretary of the Board shall deposit with the City Clerk all fees collected.

SECTION 13.0 AMENDMENT

These regulations may be amended by changing the boundaries of the zoning districts or by changing any other provision thereof whenever the public necessity and general welfare require such amendment.

13.1 Application for Amendment

An application for amendment may be initiated by the City Council, the Planning Commission, or by one or more owners or lessees of land affected by a proposed amendment. Such application must be filed with the City Clerk's Office fifteen (15) or more days prior to the date of the next regularly scheduled Planning Commission meeting. The City Clerk will set the date for a public hearing on the proposed amendment with concurrence of the Chairman of the Planning Commission.

13.2 Procedure for Amendment

Upon filing an application for amendment with the City Clerk's Office, these regulations may be amended by the following procedures:

A. The Planning Commission shall hold a public hearing on the proposed amendment not less than 15 days after notice of such hearing has been published in a newspaper of general circulation in Ward. The notice shall be published at the applicant's expense and shall give the time and place of the proposed hearing and the proposed changes. The applicant shall inform all owners of land, by certified letter, return receipt requested, specifying the place of the hearing and the proposed change. The applicant shall notify owners of all lands which lie within 300 feet of the land for which the zoning change is requested of the time, date, and place of the public hearing and the proposed change in zoning designation. All return receipts and a copy of the letter shall be furnished to the Planning Commission in care of the City Clerk at least five (5) days prior to the public hearing.

B. The applicant shall procure signs from the City Clerk's Office, for the purpose of posting the property proposed for a change in zoning.

1. The signs will be displayed on the property on a post not less than 15 days prior to the date of the public hearing.

2. The sign shall be displayed to be prominent and in full view of the passing motorist and pedestrian.

3. The signs shall be posted along the frontage abutting any street at an interval of one hundred (100) feet.

4. Properties with less than two hundred (200) feet street frontage shall be posted with at least one sign along the frontage abutting each street.

5. All such signs posted shall be maintained by the applicant to remain visible and readable until the conclusion of the subject public hearing, or to the final conclusion of the resolution of the request. Subject signs shall be removed from the property by the applicant within five (5) days of the concluding action.

6. Failure to post the required signs or to maintain the signs resulting in the property not being properly posted for three days out of the required time may result in a postponement of the public hearing or withdrawal of the agenda item until such time full compliance with posting procedure is achieved.

C. The amendment, as presented or modified by the action following the public hearing, shall be voted on by the Planning Commission.

D. Following such vote, the Planning Commission shall certify its recommendations to the City Council.

E. The Council may return the proposed amendment to Planning Commission for further study, or by majority vote adopt by ordinance the proposal as submitted by the Planning Commission.

F. If the Planning Commission disapproves the proposed amendment, the proponent may appeal to the Council, which shall review the action and may approve the proposed amendment only by not less than three-fourths vote of all the members. Such appeal shall be made via the City Clerk, who shall transmit one copy to the Planning Commission, which will prepare and transmit a report to the applicant, stating why the proposed amendment was disapproved.

G. Should the proposal be adopted by the Council, the amendment ordinance shall be filed with the office of the City Clerk.

13.3 Fee

The application fee for an amendment to these regulations shall be as set by the City for each piece of property submitted in the application, none of which is refundable.

13.4 Resubmission of Application

No resubmission of a zoning amendment application will be allowed within 12 months after the date of action by the Planning Commission or Council, unless the Council or Planning Commission waives this limitation for good cause.

SECTION 14.0 ENFORCEMENT AND PENALTY FOR VIOLATION

14.1 Zoning Enforcement Officer(s)

The provisions of these regulations shall be administered by a zoning enforcement officer(s).

The City of Ward or any property owner may request an injunction against any property owner in violation of these regulations, or may mandamus any official to enforce the provisions thereof.

14.2 Penalty for Violation

Violation of any provisions of these regulations shall be deemed a misdemeanor and upon conviction thereof, a person, corporation, or firm will be subject to penalties provided by law. Each day a violation exists shall be deemed as separate offense.

14.3 Certificate of Occupancy Required

No new structure or addition to an existing structure shall be occupied and no permitted or conditional use of a building shall be changed unless a Certificate of Occupancy is issued therefore by the Zoning Enforcement Officer. Conditional uses that are changed to another conditional use must go through the "conditional use review process" before a Certificate of Occupancy can be issued.

14.3.1 Procedure

1. Application

A Certificate of Occupancy shall be applied for coincident with the application for a Building Permit.

2. Action on Application

The Zoning Enforcement Officer shall inspect the property which is the subject of an application upon completion of the building or structure, after a completed application has been filed, and shall issue a Certificate of Occupancy if the premises of the property comply in all respects with the applicable development regulations in effect for the City of Ward. If the premises do not so comply, the Zoning Enforcement Officer shall deny the application in a written notice mailed to the applicant within five (5) days after the inspection of the property, specifying the provisions of which Ordinance or Code the structure or development does not comply.

3. Contents of Certificates of Occupancy

Information required for submission to obtain a Certificate of Occupancy shall include:

- a. Name of applicant.
- b. Nature and extent of the applicant's ownership interest in the subject property.

- c. Address of the property for which a Certificate is requested.
- d. A legal description of the property, the zoning classification for the property, and a statement that the use of the property is allowed or permitted in the zoning classification for the property.
- e. If a site plan or other conditional approval for the structure or the development of which such structure is a part was required, a copy of any document granting such approval and any plans approved in connection therewith.
- f. Such other information as requested by the Enforcement Officer to insure conformance with applicable development regulations.

4. Temporary Certificates of Occupancy

A Temporary Certificate of Occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building. A Temporary Certificate of Occupancy shall be valid for a period not exceeding six (6) months. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of any other matter required by this section.

SECTION 15.0 SIGNS

15.1 General Regulations

The regulations established herein are designed to regulate sign structures in order to ensure light, air, and open space; to reduce hazards at intersections; to prevent accumulation of trash; and to protect property values of the entire community. The regulations for signs and other advertising structures are indicated below. See SECTION 18 for definitions of terms.

No person except a public officer or employee in performance of public duty shall paste, post, paint, print, nail, tack, erect, place, project, or otherwise fasten any sign, pennant, or notice of any kind, or cause the same to be done facing or visible from any public street, except as provided herein.

The following general regulations apply to all signs where permitted in any zoning district:

1. No sign shall be erected or maintained at any location where, by reason of its position, size, shape, or color may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
2. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such a manner as to interfere with, mislead, or confuse traffic.
3. If the top of a sign or sign structure extends more than four (4) feet above the ground, then said sign must be located not less than ten (10) feet above the ground and with the supporting structures so designed as to allow maximum visibility; however, this requirement does not apply if the entire sign is located at least fifteen (15) feet from all property lines, or street curb, whichever is greater.
4. No illuminated sign shall be permitted within fifty (50) feet of property in any residential use district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property. All lighted signs must meet the electrical code requirements.
5. No flashing sign shall be permitted within two hundred (200) feet of any residential zoning district in such a location as to be visible from said district.

6. All signs and sign structures, when permitted in a district, shall be erected in conformity with the side and rear yard requirements of the district in which it is located, and shall be set back from the established street right-of-way line as to not block the view of an adjacent building, and in no case shall it be located closer than ten (10) feet from the street property line.
7. Identification signs containing only the name of the church, public use or institution shall be permitted; but shall not exceed thirty-two (32) square feet of area; and if not attached flat against a building, shall be at least ten (10) feet from all property lines.
8. One real estate sign advertising the sale, rental, or lease of the premises on which it is maintained shall be permitted on any lot, provided it is non-illuminated and not over six (6) square feet in area. For each ten (10) feet by which the width of the lot, or two (2) or more contiguous lots in single ownership, exceeds fifty (50) feet, one (1) square foot may be added to the above area of six (6) square feet, but in no case shall such aggregate area of one (1) or more signs on a single lot or group of contiguous lots exceed thirty-two (32) square feet. All such signs shall be set back from every street lot line at least one-half ($\frac{1}{2}$) the depth of the required yard in which it is located; if the actual yard is shallower than the required yard, the sign shall be set back one-half ($\frac{1}{2}$) the depth of the actual yard.
9. A subdivision sign not exceeding twenty (20) square feet in area may be placed for directional purposes on private property along each major or secondary thoroughfare surrounding a subdivision which is in the process of development and initial sales, provided that the total number of such signs for any subdivision shall not exceed four (4) and shall be removed upon completion of the development.
10. No sign which is otherwise permitted shall be painted, erected, or located upon or above the roof of any building located in any Residential District or the C-1 Quiet Business District.
11. Billboards and other non-premises advertising structures are prohibited.
12. Political signs are permitted to be placed or erected on private property subject to the permission of the property owner in any district for a period beginning not more than thirty (30) days prior to the election to which said signs apply and ending not more than ten (10) days following each election, provided the erector of such signs assumes reasonable responsibility for the removal and disposal of such signs after the election.

15.2 ADDITIONAL REGULATIONS IN RESIDENTIAL DISTRICTS

In residential use districts, the following standards and provisions shall apply.

1. For any single-family, two-family dwellings or boarding house, nameplates not to exceed one (1) square foot in area shall be permitted for each residential structure. Such nameplate shall indicate nothing other than the name and/or address of the occupants, premises, announcement of boarders, or roomers.
2. Professional signs for home occupations shall not exceed one (1) square foot, provided such sign is either a wall or ground sign located not closer than twenty (20) feet to a street right-of-way line.
3. For multi-family and group dwellings, identification signs not to exceed twelve (12) square feet in area shall be permitted. Such sign shall indicate nothing other than the name and/or address of the premises and name of the management. Such sign may contain indirect illumination.
4. Flashing or intermittent illumination is prohibited.

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.

15.4 ADDITIONAL REGULATIONS IN INDUSTRIAL DISTRICT

In the industrial use district, the following additional standards and provisions shall apply:

1. 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.
2. Flashing or intermittent illumination signs are prohibited.

SECTION 16.0 VALIDITY

16.1 Validity

Should any section, subsection, paragraph, clause or provision of these regulations be declared by a court of the competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the regulations as a whole or any part thereof, other than the part so declared invalid.

SECTION 17.0 INTERPRETATIONS

The provisions of this regulation shall be held to be minimum requirements to meet the purpose expressed in Section 1.1, Purpose. Where the provisions of this regulation impose greater restrictions than those of any other ordinance or regulation, the provisions of this regulation shall prevail. Where the provisions of any other ordinance or local regulation impose greater restrictions than those of this regulation, the provision of such other ordinance or local regulation shall prevail. When referring to this regulation, the following rules of interpretation shall be applied, except when the context clearly requires otherwise.

1. The particular shall control the general.
2. The text of this regulation provides for zoning districts which do not exist on the zoning map. In no case should these zones be construed to exist until such time the zoning map is amended by ordinance to include zones such as these.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future and words used in the singular include the plural and the plural the singular, unless the context clearly indicates the contrary.
5. The word "permitted" or words "permitted by right" means permitted without meeting the requirements for a conditional use permit.
6. The words "permitted by conditional use" means permitted subject to the requirements for a conditional use pursuant to Conditional Use Review of this Regulation.
7. The words "building" and "structure" are synonymous and include any part thereof.
8. The word "person" includes individuals, firms, corporation, associations and any other similar entities.
9. The words "parcel" and "tract" are synonymous and may be used interchangeably.
10. The word "City" means the area of jurisdiction of the City of Ward, Arkansas.
11. All public officials, bodies and agencies to which reference is made are those of the City of Ward, Arkansas.
12. All yards required by this ordinance shall be open and unobstructed by structures from the lowest level of the lot to the sky except as specifically regulated herein.

SECTION 18.0 DEFINITIONS

Words in the text or tables of this ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail. In any case, the Planning Commission shall have the right to interpret the definition of the word.

18.1 Definition of Terms

Abutting: Having property or district lines in common. Since zoning district lines fall to the center line of a street, alley or waterway, and for purposes of notifying abutting property owners in the case of a proposed zoning change, lots which appear physically separated abut at said street center line.

Access: The way or means by which a piece of property is approached or entered.

Accessory Building or Use: A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

Addition: Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

Alley: A permanent public service way which affords only a secondary means of access to abutting property.

Apartment: See Dwelling, Multiple.

Authorized Agent: A person or persons authorized by the landowner to act in his behalf.

Automobile Filling Station: A facility primarily for the retail sale of fuels for automobiles and light trucks. Accessory sales of convenience items may be included, however, installation of auto parts, accessories or repairs is prohibited. A coin operated car wash is an acceptable accessory use.

Automobile Service Center: A center may include the activities of an automobile filling station, and in addition may include the sale and/or installation of tires, brakes, mufflers, tune-ups, oil change, lubrication or any combination of the above. Major repair or body work is prohibited. In addition, outdoor storage of customer vehicles is permitted only during normal business hours of the service center.

Basement: That portion of a building below the first floor joists, that may be enclosed for occupancy, with at least half the ceiling height below the mean level of the ground on which the building sits.

City Council: The City Council, City of Ward.

Buffer: A strip of land established to protect one type of land use from another with which it is compatible. A buffer strip is landscaped and kept in open space. The term buffer zone may be used more broadly to describe any zone that separates two unlike zones such as a multi-family zone between a single-family zone or a commercial zone.

Buildable Area: The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, coverage) have been met.

Building: See Structure

Building, Attached: A building which shares a continuous wall, roof, floor, or other structural element with another adjacent building.

Building, Detached: A building having no wall, roof, floor, or other structural element in common with another building.

Building, Facade: The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.

Building, Height: The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

Building Line: A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the Zoning Ordinance. It is equivalent to the yard line.

Building, Nonconforming: An existing building which fails to comply with the regulations (for height, size, area yards and location) set forth in this ordinance applicable to the district in which this building is located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Certificate of Occupancy: Official certification that a premise conforms to provisions of the zoning ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.

City: The City of Ward, Arkansas.

City Clerk: An appointed position which has full responsibility for all records of the City.

Commission: The Ward Planning Commission.

Conditional Use: Uses permitted in zones where they are specifically listed*as conditional uses and are subject to special conditions as determined by the Planning Commission.

Corner Lot: A lot located at the intersection of two streets.

District: See Zoning District. .

Dwelling, Attached: Adjoining dwelling units, each of which is separated from the others by one or more; unpierced common wall extending from ground to roof.

Dwelling, Multiple Family: Attached dwellings designed for or occupied by more than three families.

Dwelling, Single-Family Detached: A free standing dwelling designed for and occupied by not more than one family. The following types of structures may be construed to be Dwellings, Single-Family Detached:

- a. Manufactured Home (see definition)
- b. Prefabricated Home (see definition)
- c. Stick-built, Conventional Home (see definition)

Dwelling, Two Family: (Duplex) A building designed for and occupied by not more than two families in separate dwelling units, living independent of each other.

Dwelling, Three Family: (Tri-plex) A building designed to be occupied by not more than three families in separate dwelling units, living independent of each other.

Dwelling, Four Family: (Four-plex) A building designed to be occupied by not more than four families in separate dwelling units, living independent of each other.

Dwelling or Dwelling Unit: Any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

Easement: A right-of-way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usages given by the owner of land to another party.

Eaves: The weather protective overhanging lower edge of a roof.

Enforcement Officer: A person employed by the City of Ward designated to review site plans, interpret the zoning map, issue building permits, issue certificates of occupancy, perform zoning and building related inspections, and other duties as may be specified by the City.

Family: In addition to customary domestic servants, either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four persons who are not related by blood, marriage or adoption, living together as a common household in a dwelling unit, or (c) a group of not more than eight unrelated mentally retarded or physically handicapped persons which may include two additional persons, acting as house parents or guardians who need not be related to each other, or to any of the mentally retarded or physically handicapped persons in the group.

Fence: A man-made barrier constructed to provide privacy or visual separation between one ownership and another.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Floodway Map.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area: The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Garden Apartments: The combination of row houses or townhouse with walk-up flats. The name and definition implies low land coverage and ample open space between buildings.

Loading Space (Off-Street): An unobstructed, hard surface area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.

Lot: A parcel of land legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive. Said lot shall establish one building site and comply with the Subdivision Rules and Regulations in effect for the City of Ward, Arkansas.

Lot Area: The total horizontal area included within legally defined lines enclosing the lot.

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

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage: A lot having frontage on two non-intersecting streets.

Lot, Interior: A lot other than a corner lot.

Lot Line, Front: The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating the lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.

Lot Line, Rear: That property boundary line which is generally parallel to and most distant from the front lot line of the lot.

Lot Line, Side: A lot line other than a front or rear lot line.

Lot Lines: The property boundary lines.

Lot of Record: A parcel of land that is a lot in a subdivision recorded on the records of the Pulaski County Recorder's Office, or that is described by a metes and bounds description which has been so recorded prior to the Subdivision Regulations in effect, or lots exempt from those regulations.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.

Manufactured Modular Home: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24 CFR 3280 for legal definition).

Manufactured Mobile Home: A transportable, factory-built home, designed to be used as a year round residential dwelling and built after the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Nonconforming Building or Structure: Any building or structure lawfully existing on the effective date of this ordinance, as amended, which does not comply with all of the regulations of this ordinance for governing parking or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

Nonconforming Use: Any use lawfully being made of any land, building or structure, on the effective date of this ordinance, as amended, which does not comply with all the regulations of this ordinance governing use for the zoning district in which such land, building or structure is located.

Opaque: As applies to a fence or screen required in this ordinance means, a fence or screen that blocks vision to make things on the opposite side from the viewer indiscernible to the extent of obstruction by the fence or screen.

Parking Lot: Any area subject to wheeled traffic including access areas used for parking, except for single-family or two family development.

Parking Space, Off-Street: A space for the parking of a motor-driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space. Said space shall meet all dimension and angle criteria in the Off-Street Parking and Loading Section of this Regulation.

Plan: A fully dimensioned drawing which illustrates in detail all elements of a development proposal included, but not limited to, property lines, streets, easements, structural elements and landscaping. A plan is prepared by a registered land surveyor, architect or engineer appropriately certified.

Plan, Preliminary: A fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, structural elements and landscaping. A preliminary plan is prepared by a registered land surveyor, architect or engineer. A preliminary plan further includes all development phase lines providing construction stages, topography, drainage and other natural land features.

Plan, Final: A fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, structural elements, landscaping. A final plan is prepared by a registered land surveyor, architect or engineer. A final plan further contains proper certification for accuracy and deletes natural land features. Natural land features and elements illustrated on a preliminary plat are replaced in the final plan by structural elements such as walls, ditches, and other drainage facilities intended to alter land forms.

Plat: A fully dimensioned drawing which illustrates in detail all elements of the subdivision of property including but not limited to property lines, streets, easements, drainage facilities, utilities, legal notation and the like. The plat is suitable for filing for record with the Circuit Clerk/Recorder of Pulaski County.

Pre-fabricated Home: A detached single-family dwelling that is constructed in component parts such as assembled walls, trusses, joists, and the like, a site other than the site intended for occupancy and transported to the site for occupancy. The dwelling shall have the following characteristics: (a) meet or exceed the building codes of the City; (b) shall require the construction of a foundation or footings at the site for occupancy; and (c) the component parts are erected at the site intended for occupancy to complete the dwelling.

Principal Use: The use which fulfills the primary function of an establishment, institution, household, or other entity.

Reclassification: An amendment to or a change in the zoning ordinance reflecting a change or revision or modification of the zoning district boundary map.

Residence: A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include:

- a. Such transient accommodations as a transient hotels, motels, tourist homes, or similar establishments; or
- b. Dormitories, fraternity or sorority houses, monasteries or convents, or similar establishments containing group living or sleeping accommodations; or
- c. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facility uses.

Retirement Center: A multi-family development intended for the primary use of retired persons and not open for rental or sale (in the case of a condominium arrangement) to the general public.

Right-of-Way, Public: An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County or the State for public use.

Satellite Receiving Antenna: A dish-shaped antenna that is the visible component of a satellite earth station. It is a broadcast receiver that allows the reception of television and other signals direct from a satellite.

Set-Back: The required minimum distance between the building line and the related front, side, or rear property line. This is the area in which a building shall not exceed.

Site Plan Review: The process whereby the Planning Commission reviews the site plans and maps of a developer to assure that they meet the stated purposes and standards of this ordinance.

Stick-built, Conventional Home: A detached single-family dwelling that is principally constructed at the site intended for occupancy from lumber and appropriate various materials that predominantly are not pre-assembled. The dwelling shall have the following characteristics: (a) meet or exceed the building codes of the city; and (b) shall require the construction of a foundation or footings at the site for occupancy.

Storm Cellar: An accessory structure designed and used for the purpose of taking refuge from the inclement weather or other pending disaster. Generally, storm cellars are made of concrete and situated mostly or wholly below the surface of the ground.

Structural Alteration: Any external change in either the supporting members of a building, such as: a bearing wall, column, beam or girder; or in the dimension or configuration of the roof or other exterior wall.

Structure: Anything constructed or erected or installed by man, the use of which requires more or less permanent location on the ground or attached to something, or attached to something having a permanent location on the ground, including but not limited to buildings, towers, and smokestacks.

Town House: A row of houses (up to six) connected by common side walls. A single dwelling unit may be one or two stories.

Use: A purpose to which land is committed.

Variance: An exception from the strict application of the provisions of this ordinance.

Yard, Front: The required area of open space extending across the full width of the lot, depth of which shall be the least distance between the front lot line and the nearest point of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.

Yard, Rear: The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building.

Yard, Side: The required area of open space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building.

Yard, Exterior: Any yard which is adjacent or parallel to a public or private right-of-way.

Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private right-of-way.

Zoning District: An area of land designated in the zoning ordinance in which requirements for the use of land and building and development standards are prescribed.

Zoning District Boundary: That boundary line which separates unlike zoning districts.