

ZONING REGULATIONS



CITY OF SHERWOOD

PREPARED FOR

THE SHERWOOD PLANNING COMMISSION

Prepared by

METROPLAN, A COUNCIL OF LOCAL GOVERNMENTS

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AMENDMENT PAGE

Ordinance 729 as amended:

Ordinance No.	Date	
756	11/24/86	Zoning Ordinance Amendments
806	11/23/87	Non-conforming commercial property
827	03/28/88	Notice on public hearings
832	05/26/88	PUD
855	10/24/88	Schedule of uses
867	02/03/89	Schedule of uses
872	03/27/89	Setback for accessory buildings
890	07/24/89	Commercial requirements and schedule of uses
912	01/22/90	Security personnel living quarters
926	05/29/90	Screening requirements
934	07/23/90	Front setbacks for commercial zoning
972	04/22/91	Changing fees for zoning amendment
992	07/22/91	Overhead canopies
1029	01/27/92	Taxicabs-schedule of uses
1103	04/26/93	Outdoor storage-plant nurseries
1119	09/27/93	Outdoor Flea Market-schedule of uses
1122	09/27/93	Funeral Homes or Parlors-schedule of uses
1127	10/25/93	Boatworks-conditional in C-4 zone Hwy 67/167
1147	02/28/94	Auto Repair-conditional in C-3
1148	02/28/94	Assessing penalties for violation
1149	02/28/94	Defining Auto Repair Garage
1165	05/23/94	Tool & Equipment Rental-conditional
1170	05/23/94	Horizontal vinyl siding
1178	07/25/94	Setback & height requirements on accessory buildings
1213	02/27/95	Storage & sale of plastic pipe-conditional in C-3
1242	09/25/95	Temporary use-setbacks
1273	04/22/96	Monopole Communication Towers-C-4 & I-1
1278	05/28/96	Monopole Communication Towers-conditional in C-3
1304	08/26/96	Amending 1273 to include structural towers
1353	11/25/97	Amending the height of the principle structure
1355	09/22/97	Height for an accessory building
1364	11/24/97	Repealing R-3 and PUDD to add a Planned Unit Development for a PRD & PCD
1388	04/27/98	Parking for Fast Food or Drive-in Restaurants
1391	05/26/98	Amendment of non-conforming use
1396	06/22/98	Monopole Communication Towers
1411	10/26/98	BOA making final decision for approval of an expansion of a non-conforming use

Ordinance No.	Date	
1415	12/21/98	Sexually oriented businesses
1428	02/22/99	Expansion or change of non-conforming use
1439	05/24/99	Repealing R-2 to add to Planned Unit Development
1492	09/25/00	Screening and Landscaping Requirements
1513	01/22/01	Defining open storage in a commercial zone.
1525	3/26/01	An ordinance regulating the use of commercial dumpsters or waste disposal containers
1536	6/25/01	Amending Ordinance 729 regarding sexually oriented businesses by adding Adult Novelty shop.
1564	12/17/01	An ordinance requiring paved driveways for all new residential home or home improvements.
1568	1/28/02	Amending Ordinance 729 requiring pipe stem lots have a minimum width of twenty (20) feet at the street frontage.
1569	1/28/02	Amending Ordinance 729 defining attached decks in a residential zone.
1572	2/25/02	Amending Ordinance 729 Schedule of Uses to allow hotels and motels in a C-3 Commercial zone.
1610	4/28/03	Amending Ordinance 729, 11.7.2 Applicable Districts for Site Plan Review

Section 1. 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 Sherwood, to provide efficient and economical means for civic development; to secure safety from fire and panic; control over crowding 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.

1.2.1 Repeal of Conflicting Ordinance, Effective Date

- A. The provisions of the Zoning Ordinance of the City of Sherwood, Arkansas as originally adopted March 31, 1971 (Ord. No. 208), and subsequently amended, are hereby repealed as of the effective date of this zoning ordinance, except that all terms, actions and conditions attached to variance, and re-zonings approved by the Board of Adjustment, Planning Commission and Council as adopted shall remain in effect.
- B. This Ordinance (#729) shall become effective May 28, 1986 and such date shall be referred to as the effective date.

1.2.2 Conversion to Previous Zoning Classifications

Any property owner who is aggrieved by the adoption of this ordinance because a previously allowable use which was permissible under the existing district in Ordinance #208, as amended, is not permitted under the new classification district established in this Ordinance may, by right, make one (1) application to rezone said property to realize the use potential permitted before this conversion. This application may be made without a filing fee, with the City of Sherwood bearing the cost of any legal notices that are required to be published or communicated. Any application for conversion must be filed before two (2) years from the effective date of this Ordinance.

1.3 Jurisdiction

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

Section 2. ZONING DISTRICT MAP AND GENERAL REQUIREMENTS

2.1 Zoning Districts Map

The zoning districts are hereby established as shown on the map entitled: "Sherwood, Arkansas Zoning District," dated 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 and the Planning and Permits Office, City Hall, Sherwood, Arkansas.

2.2 Zoning Districts Boundaries

Unless otherwise indicated on the Zoning District Map, the zoning districts boundaries are lot lines, the center lines of streets or alleys or specified distance therefrom, railroad right-of-way lines, 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 Board of Zoning Adjustment, upon written application, or its own motion, shall interpret and determine the location of such boundaries.

2.4 Zoning of Newly Annexed Areas

All areas which may hereafter be included within the zoning jurisdiction of the City of Sherwood by annexation shall be governed by and subject to the requirements of the R-1 Single Family Residence District until such time as the Zoning Districts Map shall have been amended to include such areas in other zoning districts.

Section 3. DESCRIPTION OF OPEN SPACE DISTRICT

3.1 OS-Open Space District

A. Purpose and Intent

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 parks, golf courses, and county 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 a homeowner's 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 or any kind shall be expressly prohibited.
2. The location of off-premise 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 Sherwood.
4. In no case shall a buffer of "OS" zoning be less than fifty (50) feet wide.
5. Enhancement of the open space area, when proposed for use as a required buffer zone, such as additional screening or planting, may be required when granting a conditional use application.

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 constructed to be conditional uses and shall follow the procedures for conditional uses found in Section 11.6 of this ordinance. Some uses which are characteristic

of an open space district and which may be considered for conditional use are 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 clubs, 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.
5. Recreation, refreshment and service buildings in parks, playgrounds and golf courses.
6. Parking facilities.

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. DESCRIPTION OF RESIDENTIAL ZONING DISTRICTS

4.1 R-1 Single Family Residence District

The R-1 Single Family Residence District is intended for those existing developed areas of the City which are being used for single family residence and related religious, recreational, and educational facilities normally found in a well balanced residential area, and for those undeveloped areas of the City which seem appropriate for future development for single family residence purposes, indicated as SFD on the Sherwood Land Use Plan. Single family manufactured homes and mobile homes as defined in this ordinance are not permitted by right in the R-1 zone. Separate zones are established for the location of manufactured and mobile homes.

4.1.1 Use Regulation

A. Permitted Uses

One single family dwelling as the primary or principal use on a lot of record. The minimum (heated or cooled) living space shall be one thousand (1,000) square feet.

B. 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.

1. Private 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 11.3 of this ordinance.
5. Swimming pools, tennis courts and similar recreational facilities.

C. 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. Recreational vehicles, camping trailers, boats and trailers and the like may be stored in the rear yard of the principal structure. Refer to Ordinance Number 462 for specific limitations.
2. Model homes and/or subdivision sales offices when the sales office is located in the model home subject to the approval of the planning commission subject to the following provisions:
 - a. The model home or sales office shall be located in a subdivision to which the sale of lots or lots and homes are directed and no other.
 - b. The model home or sales office, if permitted, shall not exceed eighteen (18) months from the granting by the planning commission. An extension may be granted upon application to the planning commission.
3. Garage, carport, or yard sales no to exceed four (4) within a calendar year and two (2) days for each event may be permitted on any tract or lot which supports a single family dwelling as the principal use.

4.1.2 Conditional Uses

The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required submissions and conditions thereof. See Section 11.6 (conditional use review) for required submissions, etc.

- a. Churches and other religious institutions and their accessory buildings and uses.
- b. Educational institutions, including but not limited to colleges, universities, public and private elementary, junior or senior high schools and their accessory buildings and uses.
- c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office and no repair or storage facility are maintained therein.
- d. Municipal or governmental recreation use, including public parks, playgrounds, tennis courts, golf courses, community centers, fire stations, museums, libraries and other similar uses.
- e. Country club, golf course, swimming pool, or other private recreational uses usually associated with or incidental to a social

country club or subdivision for the members, and not as a business for profit.

4.1.3 Height Regulation

The principal structure shall be a maximum height of forty (40) feet; however, all other structures of man-made objects, except accessory buildings, shall not exceed a height of thirty-five (35) feet.

4.1.4 Area Regulations

A. Front Yard

There shall be a front yard setback having a depth of not less than twenty-five (25) feet.

B. Side Yard

There shall be a side yard setback on each side of the building having a width not less than ten (10) percent of the average lot width up to a maximum of eight (8) feet for interior lots, excluding accessory buildings which shall be a minimum of four (4) feet from the side property line. Corner lots shall have a side yard on the exterior or street side of not less than twenty-five (25) feet including accessory buildings.

C. Rear Yard

There shall be a rear yard setback having a depth of not less than twenty-five (25) feet, excluding accessory buildings which shall be a minimum of four (4) feet from the rear property line.

Exception: All attached uncovered decks shall not be considered a part of the principal building structure in regard to rear yard setback building line requirements of twenty-five feet. Attached uncovered decks shall be required to meet rear yard setbacks of fifteen feet. The side yard setback requirement shall meet the same criteria as the side yard setback for a principal building. An attached uncovered deck shall not be built on an easement. All attached decks with a roof shall be considered a part of the principle structure and shall comply with the twenty-five foot rear yard setback requirement. When covering an existing attached deck, the setbacks shall be enforced as with the principle structure or a variance shall be required.

D. Lot Area

Lot area shall not be less than six thousand (6,000) square feet and a lot width of not less than sixty (60) feet at the front building line. Lots not served by public

water supply and/or public sanitary sewer shall be no less than the minimum size prescribed for a single family dwelling by the State and County Health Department.

E. Lot Coverage

The main building (principal use) and all accessory buildings on a lot shall not occupy more than one-third (1/3) or thirty-three and one-third (33 1/3) percent of the total area of the lot.

F. Off-Street Parking

See Section 10.5

4.2 R-2 Multi-Family Residence District (Refer to PRD – Section 8)

The R-2 district provides areas for medium population density. The R-2 district is intended for those areas of the city which (1) contain multi-family dwellings (including two-family duplex dwellings) triplex, fourplex and the like, (2) contain a mixture of single family dwellings and two-family dwellings which are appropriate for ultimate multi-family development, and (3) have vacant land areas where multi-family development appears desirable. Areas such as these are generally designated as SFA on the Sherwood Land Use Plan.

4.2.1 Use Regulations

A. Permitted Uses

1. Single family dwellings
2. Duplex, triplex and fourplex dwellings
3. Structures utilizing zero lot-line, townhouse or rowhouse development not to exceed one (1) unit per four thousand (4,000) square feet gross. When computing the gross density of a tract of land, any all common open space may be used in said calculation.
4. The minimum (heated and/or cooled) living space shall be eight hundred (800) square feet for all permitted uses.

B. Site Plan Review

Pursuant to the procedure hereinafter set forth, when a proposal is made to develop zero-lot line, townhouse or rowhouse dwellings in the R-2 district or to rezone property to the R-2 district for the purpose of developing property to accommodate housing of this type, a Site Plan Review shall be required. See

Section 11.7 of this ordinance for the procedure and requirements of a Site Plan Review.

C. Accessory, Temporary and Conditional Uses

Accessory, temporary and conditional uses allowed in the R-2 district shall be the same as those in the R-1 district, except that day camp, day nurseries and day care centers may be allowed as conditional users in the R-2 district as specified in the approval process (see Section 11.6).

4.2.2 Height Regulations

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet or be more than two one half (2 ½) stories.

4.2.3 Area Regulations

A. Front Yard

There shall be a front yard setback having a depth of not less than twenty-five (25) feet.

B. Side Yard

1. Single family detached, duplex, triplex and fourplex side yards shall be as follows: There shall be a side yard setback on each side of the building having a width not less than ten (10) percent of the average lot width up to a maximum of eight (8) 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 zero-lot line development shall have one (1) interior side yard per dwelling unit of a minimum width of ten (10) feet. End or exterior side yards shall be a minimum of twenty-five (25) feet.
3. Structures utilizing the townhouse or rowhouse concept which permits the construction of single family dwellings abutting one another without side yards between the individual units shall have exterior side yards of twenty-five (25) feet between groups of dwelling and when the beginning or terminal end of a building group abuts a street. There shall be no more than six (6) units appended without an exterior side yard.

C. Rear Yard

There shall be a rear yard setback having a depth of not less than twenty-five (25) feet, excluding accessory buildings which shall be a minimum of ten (10) feet from the rear property line.

D. Lot Area

1. Single family detached dwellings not declared to be zero-lot line development shall comply with the R-1 Lot Area requirements.
2. Duplex, triplex, fourplex, and zero-lot line dwellings shall have a minimum of five thousand (5,000) square feet of lot area per dwelling. Lot width at the building line shall be as follows:
 - a. Duplex, triplex, fourplex and zero-lot line; fifty (50) feet.
3. Single family attached units declared to be townhouse or rowhouse development shall have a minimum of twenty-four hundred (2,400) square feet of lot area per family unit. Each single family unit shall contain a gross floor area of not less than eight hundred (800) square feet, not to include steps, porches, or carports in the calculation for gross floor area. Each interior lot shall be not less than thirty (30) feet, and each end lot in a townhouse or rowhouse shall be not less than thirty-seven (37) feet. Where the end lot is adjacent to and lengthwise to a street, no dwelling unit will be permitted within the twenty-five (25) foot building setback area.

E. Site Area

The minimum site area for a triplex, fourplex, zero-lot line, and townhouse or rowhouse in the R-2 district shall be one (1) acre.

F. Off-Street Parking

See Section 10.5

4.3 R-3 Multi-Family Residence District (Refer to PRD – Section 8)

The R-3 district provides area for the highest resident population in Sherwood and may contain structures at a density of not more than eighteen (18) units per gross acre. It is the intent of this ordinance that this district be utilized in or near areas indicated on the Sherwood land Use Plan as MF. The district, when established shall be restricted to sites abutting collector or arterial streets and may be developed either adjacent to or in conjunction with neighborhood or community shopping center developments. Public utilities and urban services shall either exist prior to development or be provided in conjunction with development. This district may also be used as a transitional or buffer zone between single family districts and other uses, which are not compatible with a low density residential environment. Within the R-3 district, all buildings, structures, or uses having commercial usage and characteristics and not planned as an integral part of the total residential development shall be excluded where nonprofit or otherwise. Accessory and conditional uses and home occupations expressly provided for in these regulations,

however, shall be allowed, provided they do not have objectionable characteristics, and provided further that they otherwise conform to the specific provisions of this ordinance.

4.3.1 Use Regulations

A. Site Plan Review

Pursuant to the procedure hereinafter set forth, when a proposal is made to develop multi-family dwellings in the R-3 district or to rezone property to the R-3 district for the purpose of developing property to accommodate housing of this type, a Site Plan Review shall be required. See Section 11.7 of this ordinance for the procedure and requirements of a Site Plan Review.

B. Permitted Uses

1. Multi-family residential structures not to exceed eighteen (18) units per gross acre.
2. Special multi-family residential structures declared in the Site Plan Review process to be a retirement center or housing for the elderly.
3. Accessory and Temporary Uses allowed shall be the same as those in the R-1 and R-2 districts.
4. Conditional Uses
 - a. same as the R-1 and R-2 districts, and;
 - b. nursing homes

C. Height Regulations

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet or be more than two one-half (2 ½) stories.

D. Area Regulations

1. All front, side and rear yards shall have a depth of not less than twenty-five (25) feet.
2. All detached buildings shall be separated by a distance of not less than ten (10) feet.
3. In the R-3 district, every building hereafter erected or structurally altered shall provide a minimum lot area per dwelling unit of two thousand four hundred twenty (2,420) square feet gross.

4. The minimum site areas for the R-3 district shall be one (1) acre gross.

E. Living Area

1. Multi-family dwellings units for rent or sale to the general public shall have not less than five hundred fifty (550) square feet of heated or cooled living space.
2. Multi-family dwellings units declared to be a retirement center of housing for the elderly shall have not less than four hundred (400) square feet or heated or cooled living space.

F. Off-Street Parking

See Section 10.5 (Off-Street Parking may be reduced for retirement center multi-family).

4.4 R-4 Manufactured Housing ("Class A" District)

The R-4 Manufactured Housing district is established to accommodate a growing market for single family housing of "Class A" manufactured housing which is generally of lower cost than conventional site built housing. A policy is declared to exist which prohibits the rezoning and infill of platted vacant lots in district in the R-1 district, with the R-4 district. In general, the R-4 district may be considered, upon application for zoning change, within areas indicated as SFA on the Sherwood Land Use Plan. "Class B" manufactured housing shall be permitted only in the Manufactured Home Park (MHP District).

4.4.1 "Class A" Manufactured Housing Code Requirements

- A. All "Class A" Manufactured Housing structures to be located within the City of Sherwood must comply with all protective codes currently in effect. This includes the following:
1. Standard Building Code
 2. Arkansas State Plumbing Code
 3. National Electric Code
 4. Code for Energy Conservation in New Building Construction
 5. Any additional codes and regulations which may be in effect.

- B. "Class A" Manufactured Housing shall be tied down (anchored). The design engineer/or architect with the manufacturer shall furnish tie down (anchor) drawings and/or specifications that will be sufficient for the completed structure to withstand wind velocity pressure at seventy (70) miles per hour wind speed.

4.4.2 "Class A" Manufactured Housing Inspection Procedure

Inspection shall be made as required by each Code during the construction of all manufactured housing to be located within the City of Sherwood. Manufactured housing, which is being constructed at a location outside of Sherwood, may receive inspections according to the procedures described in Sections 105.6 and 106.5 of the Standard Building Code may also certify compliance with all other codes included in Section 2 A of this ordinance. A manufactured house which receives final inspection approval for all codes as required shall be certified as a "Class A" unit.

4.4.3 "Class A" Manufactured Housing Appeals Procedure

Appeals to the requirements of each code concerning the construction of Manufactured Housing may be made to the review board of the respective code in question.

4.4.4 Use Regulations

A. Permitted Uses

1. One single family dwelling as the primary or principal use on a lot of record. Said dwelling may be:
 - a. A conventional, site-built single family dwelling.
 - b. A new "Class A" single family dwelling.

B. Accessory, Temporary and Conditional Uses

Accessory, temporary and conditional uses allowed in the R-4 district, shall be the same as those in the R-1 district, except that day camp, day nursery and day care centers may be allowed as conditional uses in the R-4 district as specified in the approval process (see Section 11.6).

4.4.5 Height Regulation

The principal structure shall be a maximum height of forty (40) feet; however, all other structures of man-made objects, except accessory buildings, shall not exceed a height of thirty-five (35) feet.

4.4.6 Area Regulations

A. Front Yard

There shall be a front yard setback having a depth of not less than twenty-five (25) feet.

B. Side Yard

There shall be a side yard setback on each side of the building having a width not less than ten (10) percent of the average lot width up to a maximum of eight (8) feet for interior lots, excluding accessory buildings which shall be a minimum of four (4) feet from the side property line. Corner lots shall have a side yard on the exterior or street side of not less than fifteen (15) feet, including accessory buildings.

C. Rear Yard

There shall be a rear yard setback having a depth of not less than twenty-five (25) feet, excluding accessory buildings which shall be a minimum of four (4) feet from the rear property line.

D. Lot Area

Lot area shall be not less than six thousand (6,000) square feet and a lot width of not less than sixty (60) feet at the front building line. Lots not served by public water supply and/or public sanitary sewer shall be no less than the minimum size proposed for a single family dwelling by the State and County Health Department.

E. Lot Coverage

The main building (principle use) and all accessory buildings on a lot in the aggregate shall not occupy more than one-third ($1/3$) or thirty-three and one-third ($33 \frac{1}{3}$) percent of the total area of the lot.

F. Off-Street Parking

See Section 10.5

4.5 MHP Manufactured Home Park District

The "MHP" Manufactured Home Park District recognizes a specific housing type in the City of Sherwood. This zoning district is created for the specific purpose of establishing reasonable sites and providing for the development of manufactured home parks or courts at appropriate locations. It is the intent of this Ordinance that this district be located so as

to not adversely affect the established residential development patterns and densities of the City. Such locations, however, shall have necessary public utilities, community facilities and other public services, as well as a healthful living environment with the normal amenities associated with residential districts of the City.

4.5.1 Development Criteria

Unless otherwise specifically provided in this section, the following development criteria shall apply to this district.

1. All properties within this district shall be contiguous and shall be totally developed under a unified site plan submitted to and approved by the Planning Commission. Criteria for submittal of the accompanying site plan shall follow the guidelines set forth in this Ordinance (Section 11.7).
2. All landscaping, screening, open space and other common facilities shall be provided and maintained by the manufactured home park.
3. When a manufactured home park either adjoins or is across the street from other residential zones, a compact evergreen screen and a permanent type opaque fence of wood, masonry, or metal construction having a height of not less than six (6) feet shall be erected and maintained between such area and the residentially zoned property.
4. A storage area shall be provided at a central location at the rate of one hundred (100) square feet per mobile home for the storage of boats, campers, etc.
5. All utility installations shall meet the requirements established by the appropriate codes of the City of Sherwood. In addition, the tie-down procedure for each "Class B" manufactured home shall be in accordance with Appendix H of the 1982 Standard Building Code or the latest dated such code used in the City of Sherwood. "Class B" manufactured homes shall have underpinning installed within ninety (90) days from its sitting in a MHP Manufactured Home Park District. The underpinning shall be of a material and color that is functional and aesthetically compatible with the siding and décor of the "Class B" manufactured home to which it is applied. The judgement of the inspection officer shall be to the Sherwood Zoning Board of Adjustment.
6. No manufactured home space occupying a double frontage lot shall take access on a dedicated public street.

4.5.2 Use Regulations

A. Permitted Uses

- a. Recreational vehicles with self-contained sanitary facilities capable of being connected to a public or community water and sanitary sewage collection system.
- b. "Class A & B" manufactured homes.

B. Accessory Uses

- a. Accessory buildings, including private garages, storage facilities, children's playhouses and green houses.
- b. Laundromat, vending machine center, recreation facilities, and related accessory uses incidental to the primary manufactured home use, provided that such structures be exclusively for the use of the residents of the manufactured home subdivision.

C. Temporary Uses

Temporary uses allowable in the MHP Manufactured Home District shall be the same as those in the "R-1" Single Family District.

D. Conditional Uses

Conventional, site-built, single family residential buildings.

4.5.3 Height Regulations

No manufactured home or building hereafter located, erected or structurally altered shall exceed a height of fifteen (15) feet.

4.5.4 Area Regulations

A. Site Area

The minimum site area shall be twenty (20) acres.

B. Exterior Setback

The minimum setback from any exterior property line shall be twenty-five (25) feet.

C. Interior Setback

The minimum setback from any interior drive shall be twenty (20) feet.

D. Average Tract Width

The average width of a manufactured home park space shall be not less than forty (40) feet.

E. Mobile Home Separation

The minimum separation between manufactured homes shall be sixteen (16) feet.

F. Density

The maximum allowable density in any manufactured home park shall be ten (10) mobile homes per gross acre.

G. Awnings and Carports

Awnings and carports may occupy only forty (40) percent of the required minimum spacing between manufactured homes; must be open from the ground to the roof structure; and must be constructed of non-combustible materials.

4.5.5 Off-Street Parking

See Section 10.5

SECTION 5 DESCRIPTION OF COMMERCIAL ZONING DISTRICT

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 1984 Sherwood 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 Sherwood'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, and 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 Sherwood, Arkansas as follows:

- A. "C-1" Neighborhood Commercial District
- B. "C-2" Light Commercial District
- C. "C-SC" Shopping Center District
- D. "C-3" General Commercial District
- E. "C-4" Open Display and Highway Commercial District

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 from residential property. It shall be unlawful to remove commercial waste from containers designed for waste hauling vehicles between the hours of 7:00 p.m. and 6:00 a.m. if said dumpster(s) are within 600 feet of a residential structure.
- C. All signage shall be in conformance with the provisions for commercial sign regulations as per Ordinance Number 603 (as amended by Ordinance 1105), City of Sherwood.
- D. A permanent fence shall be provided along any side or rear property line which abuts property zoned for residential purposes. The fence constructed must not extend beyond the front building line on any lot nor beyond the side building line on corner lots. Said fences shall have Planning Commission approval as to location, height, material and construction.
- E. Any temporary use permitted in a commercial zone shall be located so as to meet all use regulations for that zone in which they are located, which includes but is not limited to all height and area regulations including front, rear and side yard setbacks.

5.2 C-1 Neighborhood Commercial District

The "C-1" Neighborhood Commercial District is intended to accommodate retail development that is limited by the size of floor area in any one (1) business, the size of the area devoted to the district in any one (1) location and the intensity of the activity as it limits traffic generation, noise, light glare, and the need for outdoor storage. Commercial uses within this district should not depend on market areas larger than the neighborhood served. The "C-1" Neighborhood Commercial District shall preferable be located in conjunction with exiting "C-1" Neighborhood Commercial Districts. C-1 is very appropriate in locations along arterials which abut sensitive residential areas.

5.2.1 Development Criteria

Unless otherwise specifically provided in this section the following development criteria shall apply to the "C-1" district. If the shopping center arrangement is utilized a site plan review is required (see Section 11.7).

- 1. Outdoor display or storage of goods and service shall be defined as the utilization of outdoor space to store goods, equipment, vehicles and other

items used or sold by a business, whether temporary or permanently. Open storage can be temporary stored or displayed during normal business hours in a C-1, C-2 and C-3 zone. Normal business hours shall be construed as hours of business operating for the purpose it is intended. Open storage can be permanently stored in a C-4 zone. Merchandise under the original eaves or original overhangs of the principle building would be acceptable as long as safety and fire protection is paramount. Parked company vehicles shall be limited to three (3) vehicles during the time the perspective business is closed.

2. No single establishment shall have more than five thousand (5,000) square feet of gross leasable floor area.

5.2.2 Use Regulations

A. Permitted and Conditional Uses (retail only)

Refer to chart, "Schedule of Uses" adopted as an integral part of this Ordinance.

B. Height Regulation

The principal structure shall be a maximum height of eighty (80) feet; however, all other structures or man-made objects, except accessory buildings, shall not exceed a height of thirty-five (35) feet.

C. Area Regulations

1. Front Yard

There shall be a front yard having a setback of not less than forty (40) feet from the front property line to the front line of the building.

2. Side Yard

Side yard setback shall be a minimum of ten (10) feet, except where side yards abut a street or a residential lot line where the side yard setback shall be no less than twenty-five (25) feet.

3. Rear Yard

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

4. Lot Area Regulations

The site area for the zoning of the C-1 district shall be not more than five (5) acres. When a request for zoning to C-1 is appended to an existing C-1 district the proposed new zone may be less than two (2) acres provided the aggregate of the new zone and the existing zone is two (2) or more acres. When the lots in a C-1 zone are under separate ownership and are designed to accommodate separated single buildings there shall be a lot area of not less than seven thousand (7,000) square feet. In addition, there shall be a lot width of not less than sixty (60) feet at the building line and a lot depth of not less than one hundred (100) feet.

5. Lot Coverage

Maximum lot coverage for all principal and accessory buildings shall be thirty-three and one-third (33 1/3) percent of the total area of the site.

D. Screening Requirements

Where C-1 District abuts a Residential District whether in a shopping center or freestanding strip development arrangement a fence or screen shall be required. Any fence or screen constructed must not extend beyond the front building line on any lot not beyond the side building line on corner lots. Said fences or screens shall have Planning Commission approval as to location, height, material and construction.

E. 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 hot mix with a six (6) inch compacted base, or a six (6) inch reinforced concrete slab, shall have appropriate bumper guards where needed. See Section 10.5.

5.3 "C-2" Light Commercial District

The "C-2" Light Commercial District is intended to accommodate retail development that is limited by the size of the area devoted to the district in any one (1) location. The development will be expected to create a moderate level of traffic generation, noise, light glare and the need for storage. The "C-2" Light Commercial District shall preferably be located with arterial street frontage. The preferred development for "C-2" shall be in small shopping center arrangement designed to accommodate one (1) and up to fifteen (15) retail businesses on a site up to five (5) acres.

5.3.1 Development Criteria

Unless otherwise specifically provided in this section, the following development criteria shall apply in the “C-2” district. In addition, if the shopping center arrangement is utilized a site plan review is required (Section 11.7).

1. Outdoor display or storage of goods and services is the same as in C-1 Commercial.
2. All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, promotional events, and the normal pump island services of service station operations. In addition, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the façade area of the front of the building as long said display of merchandise is stored inside the building or other completely enclosed area after normal working hours.
3. All detached building shall be separated by a distance of not less than twenty (20) feet.
4. Provision for ingress, egress and service easements shall be subject to the requirements of the Sherwood Subdivision Ordinance and any special circumstance which may prevail at the specific site. The special circumstances will be addressed in the required site plan.
5. The required forty (40) foot front yard setback shall be landscaped and maintained by the property owner (s). No parking of wheeled vehicles shall be allowed within ten (10) feet of the public street right-of-way.
6. Freestanding ancillary structures subordinate to but compatible with the shopping center shall not occupy more than forty (40) percent of the frontage of any abutting boundary street.

5.3.2 Use Regulation

A. Permitted Uses and Conditional Uses (Retail Only)

Refer to chart, “Schedule of Uses” adopted as an integral part of this Ordinance.

B. Height Regulations

The principal structure shall be a maximum height of eighty (80) feet, however, all other structures or man-made objects, except accessory buildings, shall not exceed a height of thirty-five (35) feet.

C. Area Regulations

1. Front Yard

There shall be a front yard having a setback of not less than forty (40) feet from the front property line to the front line of the building.

2. Side Yard

Side yard setback shall be a minimum of ten (10) feet, except where side yards abut a street or a residential lot line where the side yard setback shall be no less than twenty-five (25) feet.

3. Rear Yard

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

4. Lot Area Requirements

The site area for the zoning of the C-2 district shall not be more than five (5) acres. When the lots in a C-2 zone are under separate ownership and are designed to accommodate separated single buildings there shall be a lot area of not less than ten thousand (10,000) square feet.

5. Lot Coverage

Maximum lot coverage for all principal and accessory buildings shall be thirty-three and one-third (33 1/3) percent of the total area of the site.

D. Screening Requirements

Where a C-2 District abuts a Residential District, whether in a shopping center of free standing strip development arrangement, a fence or screen shall be required. Any fence or screen constructed must not extend beyond the front building line on any lot nor beyond the side building line on corner lots. Said fences or screens shall have Planning Commission approval as to location, height, material and construction.

E. 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 requirement shall be as follows: one and one-

half (1 ½) inch asphaltic concrete hot mix with a six (6) inch compacted base, or a six (6) inch reinforced concrete slab, and shall have appropriate bumper guards where needed. See Section 10.5.

5.4 “C-SC” Shopping Center District

The “C-SC” Shopping Center District is established in order to provide for the unitized design of commercial areas rather than the piece-meal accrual of independent, free standing buildings. No outside storage of products for sale or raw materials shall be permitted. Temporary outdoor display of merchandise is allowed intended for neighborhood and community shopping centers in appropriate locations as shown on the Sherwood Land Use Plan. Developments in the “C-SC” district are intended to serve a broad based need of the community and shall be laid out and developed as a unit according to an approved plan. The “C-SC” Shopping Center District will frequently be situated in close proximity to residential development, therefore, building setback, screening and other development criteria are included to achieve a compatible relationship between the retail development and adjacent residential areas. The “C-SC” district shall be limited to locations with frontage on arterial streets and preferably at the intersection of arterial streets.

5.4.1 Development Criteria

Unless otherwise specifically provided in this section, the following development criteria shall apply in the “C-SC” district.

1. All properties within this district shall be contiguous and shall be totally developed under a unified site plan submitted to and adopted by the Planning Commission. Criteria for submittal of the accompanying site
2. All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, promotional events, and the normal pump island services of service station operations. In addition, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the façade area of the front of the building as long as said display of merchandise is stored inside the building or other completely enclosed area after normal working hours.
3. All detached buildings shall be separated by a distance of not less than twenty (20) feet.
4. Provision for ingress, egress and service easements shall be subject to the requirements of the Sherwood Subdivision Ordinance and any special circumstances which may prevail at the specific site. The special circumstances will be addressed in the required site plan.

5. The required forty (40) foot front yard setback shall be landscaped and maintained by the property owner (s). No parking of wheeled vehicles shall be allowed within ten (10) feet of the public street right-of-way.
6. Free standing ancillary structures subordinate to but compatible with the shopping center shall not occupy more than forty (40) percent of the frontage of any abutting boundary street.

5.4.2 Use Regulations

A. Permitted Uses and Conditional Uses (Retail Only)

Refer to chart, "Schedule of Uses" adopted as an integral part of this Ordinance.

B. Height Regulations

The principal structure shall be a maximum height of eighty (80) feet; however, all other structures or man-made objects, except accessory buildings, shall not exceed a height of thirty-five (35) feet.

C. Area Regulations

1. Yard Setbacks

The required front, side and rear yard setbacks shall be a distance of not less than forty (40) feet from the property line to the respective face of any building.

2. Site Area

The minimum site area for the "C-SC" District shall be five (5) acres. In addition, there shall be not less than three hundred (300) feet of frontage on at least one (1) abutting boundary street.

D. Screening Requirements

Where a "C-SC" District abuts a Residential District, whether in a shopping center or free standing strip development arrangement, a fence or screen shall be required. Any fence or screen constructed must not extend beyond the front building line on any lot nor beyond the side building line on corner lots. Said fences or screens shall have Planning Commission approval as to location, height, material and construction.

E. **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 ½) inch asphaltic concrete hot mix with a six (6) inch compacted base or a six (6) inch reinforced concrete slab, and shall have appropriate bumper guards where needed. See Section 10.5.

5.5 "C-3" General Commercial District

The "C-3" General Commercial District may contain a broad range of retail uses and differs from the "C-1" district and "C-2" district in some important aspects: (1) The cumulative amount of area the "C-3" districts occupy is greater; and (2) the "C-3" districts are anticipated to be principally strip development along the frontage of Highway 107 and East Kiehl Avenue. Permitted uses include most types of retail activity except those involving open display of merchandise and those which generate large volumes of vehicular traffic at any given site or are otherwise incompatible with adjacent development. Temporary outdoor display of merchandise is allowed during regular business hours.

5.5.1 Use Regulations

A. **Permitted Uses and Conditional Uses**

Refer to chart, "Schedule of Uses" adopted as an integral part of this Ordinance.

Auto Repair: Outdoor storage of all vehicles shall be restricted to one (1) vehicle per available repair bay with after hour storage allowed only at the rear of the building in an area screened with a six (6) foot opaque fence.

B. **Screening Requirements**

Screening Requirements for the "C-3" District shall be the same as required for the "C-2" District.

C. **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 ½) inch asphaltic concrete hot mix with a six (6) inch compacted base or a six (6) inch reinforced concrete slab, and shall have appropriate bumper guards where needed. See Section 10.5.

D. Area Requirements

1. Area

- a. Front yard setback shall be a minimum of forty (40) feet. However, overhead canopies greater than twelve (12) feet in height may extend into the front yard to within fifteen (15) feet of the front property line.
- b. Side yard setback shall be a minimum of ten (10) feet except where side property line abuts a street or residential district then the side yard shall be a minimum of twenty-five (25) feet.
- c. Rear yard shall be ten (10) feet except where rear property line abuts a residential district thence rear yard shall be a minimum of twenty-five (25) feet.
- d. Lot area shall not be less than the minimum of ten thousand (10,000) square feet.
- e. Lot width shall not be less than one hundred (100) feet at the building line.
- f. Lot depth shall not be less than one hundred (100) feet.

2. Lot Coverage

Maximum lot coverage for all principal and accessory buildings shall be thirty-five (35) percent of the total area of the lot.

E. Height Regulations

The height regulations for the “C-3” District shall be the same as those in the “C-2” District.

F. Outdoor Storage – (Same as Open Storage in C-1 Commercial) in addition to:

Outdoor storage is allowed for plants in conjunction with a plant nursery business and screening shall not be required.

Outdoor storage is allowed in areas completely screened with an opaque wood, metal or masonry fence. The outdoor storage areas shall not be located within the required front or side yards nor located within the required parking spaces. A variance may be granted by the Board of Adjustments in cases where outdoor storage is to be located in the front or side yards.

5.6 “C-4” Highway Commercial and Open Display District

The “C-4” Highway Commercial and Open Display District is established in order to provide suitable locations for retail uses which serve the needs of the motoring public. These locations are characterized by a high volume of both through and local vehicular traffic seeking a high level of ingress and egress to the abutting commercial establishments. Among the commercial establishments are automobile and other vehicular service establishments, transient sleeping accommodations, eating and drinking businesses. The “C-4” District is also intended to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements are suitable for display and storage outside the confines of an enclosed building. The most appropriate locations for “C-4” Districts are along the frontage roads of Highway 67/167, around the intersections of arterial streets with 67/167 along Highway 161.

5.6.1 Use Regulations

A. Permitted Uses and Conditional Uses

Refer to chart, “Schedule of Uses,” adopted as an integral part of the Ordinance.

B. Screening Requirements

Screening requirements for the “C-4” District shall be the same as required for the “C-2” District.

C. Parking Requirements

The procedure for determining parking requirements shall be the same as outlined for the “C-3” District.

D. Height and Area Requirements

All height and area coverage requirements shall be the same as outlined for the “C-3” District.

ORDINANCE NO. 1492

AN ORDINANCE AMENDING ORDINANCE 729 DECLARING THAT THE SCREENING AND LANDSCAPING REQUIREMENTS FOR COMMERCIAL, PLANNED RESIDENTIAL DEVELOPMENT (PRD), PLANNED COMMERCIAL DEVELOPMENT (PCD), OFFICE AND INDUSTRIAL ZONED PROPERTY FOLLOW THE AMENDED PROCEDURES.

WHEREAS, the Sherwood Control of Development Subdivision Rules and Regulations, the Zoning Ordinance and the issuance of new building permits are the primary means for regulating land development and land use within and surrounding the City of Sherwood.

WHEREAS, it is in the best interest of the City of Sherwood, Arkansas to amend the land development regulations and the building permit procedure to encourage increased buffering, landscaping and screening between the different land uses with the addition of trees, shrubs and fencing.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERWOOD, ARKANSAS THAT:

Section 1: "Purpose and Intent"

The Sherwood Planning Commission recognizes the increasing amount of urban land being utilized for the purpose of providing off street parking. In order to provide a more attractive urban environment, and to lessen the visual impact of area devoted to the parking and storage of automobiles and other wheeled vehicles, it is declared to be in the public interest for the citizens of Sherwood, Arkansas, to establish minimum requirements and standards for the planting, screening and landscaping of such parking areas. This ordinance is designed to provide improved livability between different or dissimilar land uses by defining policy and standards regarding the placement, retention or replacement of areas designed as screen borders or buffer areas. This ordinance is further designed and intended to promote the health, safety and welfare of the public by requiring landscaping, buffering or screening:

- a. to reduce the transmission of noise, dust and glare:
- b. to lessen perceived visual pollution:
- c. to create a greater sense of privacy:
- d. to improve esthetics, by effectively landscaping a non-residential use:
- e. establishing tree cover to improve air quality; and
- f. providing tree cover for increased cooling.

Section 2: “Definitions”

Buffer: A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land use from each other.

Deciduous: A plant with foliage that is shed annually.

Earth Berm: A mounding of soil volume to create a screen or change in elevation from the elevation of the use area to adjacent areas.

Evergreen: A plant with foliage that persists and remains green year round.

Fences: A structure over two (2) feet in height, obstructing passage.

Ground Covers: Plant materials, which reach a maximum height of not more than eighteen (18) inches and may be used in lieu of grass.

Landscape Type A: Screens that are semi-opaque with fifty (50 %) percent visual obstruction. Example: Construction of a decorative steel fencing with partial landscaping.

Landscape Type B: Screens that are opaque.

Lawn grass: Species normally grown as permanent lawn in Pulaski County, Arkansas.

Opaque Screening: A man-made device or a natural feature of a property, which restricts access and/or visibility, the purpose of which is to provide privacy, separation of use and lessen the impact of automobile lights on an adjacent use. Such screening shall be opaque in nature and disallow the passage of visible light frequencies.

Open Space: An outdoor area created by artificial or natural design not otherwise occupied by building or paved areas for vehicular circulation or parking.

Screening: The use of natural or man-made topography, berms, fences, walls, trees, shrubs, ground cover or any combination thereof which partially or completely blocks the view of one (1) area from another.

Setback requirements: Setback requirements shall follow the guidelines as set forth in the Sherwood Zoning Rules and Regulations.

Shade tree: Usually a deciduous tree-rarely an evergreen-planted primarily for its high crown of foliage of overhead canopies.

Sherwood Planning and Permit Department: All individuals, divisions or departments, which are designated by the Sherwood City Council for the administration and enforcement of this ordinance.

Shrubs: Self-supporting wood deciduous or evergreen species, which are a minimum of eighteen (18) inches in height at time of installation.

Sight proof fence: Fencing that provides a minimum of eighty (80%) percent visual obstruction.

Site Plan: An approved landscape plan on the site plan must be secured from the Sherwood City Engineer by any person, firm or corporation as part of compliance with applicable provisions in this ordinance.

Trees: Self-supporting wood plants which normally grow to a minimum height of fifteen (15) feet or greater in Pulaski County, Arkansas, and having trunks which can be maintained with over five (5) feet of clear trunk. Trees having an average mature crown spread of less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of fifteen (15) feet crown spread. All trees shall have a minimum caliper of two (2) inches at planting.

Vehicular Use Areas: All open areas and open spaces on the land which are designated , used, required or intended to be used for storage, parking, maintenance, service, repair, display, circulation or operation of vehicles, including automobiles, buses, trailers, trucks, boats and motorcycles. This definition is intended to include areas used or intended to be used for driveways to such vehicular use areas but does not include improvements to public roads, streets, highways and alleys. However, public right-of-way may be considered part of the vehicular use area for planting improvements if such areas are adjacent to private property being developed as a vehicular use area.

Section 3: "Scope"

This ordinance applies to vehicular use areas located within any zone higher than single family and non-residential uses in any single family zone. Based on this scope, this ordinance will apply:

- To all such future vehicular use areas, as such areas are developed.
- For any expansion or additions to existing vehicular use areas or changes in the land use intensity of vehicular use areas, when such expansions or changes are considered by a public body.

The provisions of this section for buffering/screening dissimilar land uses are to be enforced with:

- With all new building permits or expansion of existing structures,
- With all new property plats of addition or replats; and
- With all amendments to the official zoning map.

Enforcement shall follow Table A, "Buffering/Screening Dissimilar Land Uses," imposing specific screening with all new developments or major expansions to shield against intrusion of a nuisance and to shield existing nuisance. Acceptable plantings are to be those identified with Table B, "Adopted List of Screening Plants and Fencing Materials."

Zoning districts shall be designated in the following major use categories:

- | | |
|----------------------------------|--------------------|
| • Single Family Zones | R-1 & R-4 |
| • Multi-Family (Apartment) Zones | R-2, R-3 & MHP |
| • Commercial Zones | C-1, C-2, C-3, C-4 |
| | O-1, O-2 & I-1 |
| • Planned Development | PRD & PCD |

Buffering: These provisions apply to different land uses abutting and separated by streets, rights-of-way and easements. Streets and roadway rights-of-way and easements shall not be used in computing the depth of any buffer area.

A. The following are required buffer types:

Table A Buffering/Screening Dissimilar Land Uses

Principal Zoning District or uses		Landscape Type
a.	Industrial (Principal Use or Zone)	
	Multi-Family	A
	Single Family (Zone or Use)	A
b.	Commercial (Principal Use or Zone)	
	Multi-Family	B* or A
	Single Family (Zone or Use)	A
c.	Multi-Family (Principal Use or Zone)	
	Single Family (Zone or Use)	B* or A
Type A:	Landscaping/Screening subject to full requirements of this ordinance.	
Type B*:	Landscaping/Screening subject to partial requirements of this ordinance by the Sherwood Planning Commission and no less than fifty (50%) percent of these regulations.	

Section 4: "Exemptions"

This ordinance does not apply to:

- The construction or reconstruction of streets by the City, county, state or federal agency; or by private developers; or construction undertaken in Street Improvements Districts.
- Vehicular use areas in which pothole repairs, striping, sidewalk repairs, drainage structure repairs or maintenance of existing landscaping are being undertaken.

Other exceptions to the provisions and requirements of this ordinance shall be dependent on the approval of the Sherwood Planning Commission.

Section 5: "Plant Material Selection Requirements"

Plant material used for compliance with the provisions of this ordinance shall conform to the "American Standards for Nursery Stock, 1-73," Grade No. 1, American Association of Nurseryman, Inc. or equal thereto. Plant materials, which may be installed in vehicular areas, are defined and should be selected from applicable lists.

- A. It is the intent of this ordinance to be flexible; thus any person, firm or corporation may select plants not listed herein for landscaping and screening vehicular use areas, other than the right-of-ways, as long as plants substituted are able to withstand harsh weather conditions, comply with all other provisions of this ordinance, and are approved by the Sherwood City Engineer.
- B. Tree Species-Public Rights-of-Way- All tree species, which can be installed in public **rights-of-way**, are listed below:

Scientific Name

Common Name

1. Evergreen Trees

Eriobotrya Japonica
Ilex species
Myrtus species
Pinus species
Prunus caroliniana

Loquat
Evergreen Holly
Wax Myrtle
Pine
Carolina Laurel Cherry

Scientific Name

Common Name

2. Deciduous and Flowering Deciduous Trees

Betula species	Birch
Cercis Canadensis	Red Bud
Crataegus species	Hawthorne
Cupressus species	Cypress
Ginkgo Biloba	Ginkgo
Gleditsia tricanthos 'inermis'	Thornless Honey Locust
Ilex decidua	Deciduous Holly
Koelreuteria paniculata	Goldenrain Tree
Magnolia soulangeana	Saucer Magnolia
Magnolia virginiana	Sweet Bay Magnolia
Prunus cerasifera 'antropupurea'	Purple Leaf Plum
Prunus serrulata 'quansant'	Quansant Cherry
Pryus Calleryana	Bradford Pear
Pistachia Chinensus	Pitstachio
Quercus species	Oak
Sassafras albindum	Sassafras
Vitex species	Vitex
Lagerstroemia indica	Crape Myrtle

- C. Tree Species: Vehicular Use Areas- All tree species listed in "Tree Species-Public Rights of Way" in addition to the tree species listed below may be used in vehicular use areas not in public **rights-of-way**.

1. Evergreen

Cedrus deodara	Deodar Cedar
Magnolia grandiflora	Southern Magnolia
Quercus virginiana	Live Oak

2. Deciduous and Flowering Deciduous Trees

Acer species	Maple
Celtis species	Hackberry
Cornus Florida	Dogwood

3. Shrubs

All shrubs, which may be, used in all vehicular use areas, including public **rights-of-way**.

<u>Scientific Name</u>	<u>Common Name</u>
Abelia species	Abelia
Bamboo species	Bamboo
Cotoneaster species	Cotoneaster
Elaeagnus species	Elaeagnus
Ilex species (evergreen)	Evergreen Holly
Juniperus species (shrub form)	Juniper
Ligustrum japonicum	Waxleaf Ligustrum
Nandina species	Nandina
Photinia species	Photinia

4. Grasses

The following grasses may be used to comply with this ordinance.

Meyer Z-52-Zoysia
 Emerald Zoysia
 Bermuda grass (Tiff and Common)
 Bermuda grass hybrids
 Centipede
 St. Augustine

These are the more commonly used grasses adjacent to vehicular use areas.

5. Ground Covers

The following ground covers may be used in all vehicular use areas, including public **rights-of-way**.

<u>Scientific Name</u>	<u>Common Name</u>
Ajuga species	Ajuga
Gelsemium sempervireus	Carolina Jessamine
Hedera helix	English Ivy
Juniperus species (dwarf)	Juniper
Liriope muscari	Liriope
Ophiopogon species	Monkey grass
Pachysandra terminalis	Pachysandra
Santolina species	Santoline
Sasas pygmaea	Dwarf Bamboo
Sedum species	Sedum
Tracheolpermum asiaticum	Asian Jasmine
Wisteria species	Wisteria
Vinca minor	Periwinkle

6. Earth Berm

Earth berm must be protected from erosion with suitable plant material, ground cover or lawn grass. Earth berm should not be placed in areas that would destroy existing plants selected to remain in place. The maximum side slope shall be two to one (2:1) ratio of horizontal to vertical.

Section 6: "Landscape Requirements for Vehicular Use Areas"

- A. **Peripheral Coverage Requirements:** Peripheral landscaping shall be required along any side of a vehicular use area that abuts adjoining ownership or use that is not a right-of-way.
1. A landscaping strip (s) shall be located between the vehicular use areas and the abutting property lines. This strip (s) shall be at least six (6) feet in width beyond vehicular encroachment. For small or irregular shaped lots, the Sherwood Planning Commission may grant a variance to not less than four (4) feet in width.
 2. One (1) tree for each thirty (30) linear feet shall be located in the landscaping strip (s). Where peripheral landscaping areas abut, the spacing of trees can stagger.
 3. One (1) shrub for each five (5) linear feet shall be planted in the landscaping strip (s), and appropriate ground covers, grasses or earth berm shall complete landscaping in the strip (s).
 4. All vehicular use areas which are built on property, which abuts property zoned residential or is currently used for residential, shall have a six (6) foot wall or screen approved by the Sherwood Planning Commission. If the distance between the vehicular use area and the residential property line is at least fifty (50) feet then the Sherwood Planning Commission may approve a hedge no less than two and one-half (2 ½) feet and not more than six (6) feet or a wall or other durable opaque landscape barrier of no less than six (6) feet and no more than six (6) feet. Any approved wall, hedge or fence shall extend the entire length of the strip for the purpose of visual separation. In addition, a minimum of one (1) shrub or vine for each ten (10) feet of fence or wall shall be planted between the barrier and the vehicular use area.
 5. Adjustments can be made in the above requirements to facilitate location adjacent lot access drives. The maximum width of such drives shall be thirty (30) feet, and the minimum distance between such drives shall be forty (40) feet. Adjacent lot access drives, i.e.,

those drives connecting on vehicular use area to another, may be used to internalize traffic.

B. Street Coverage Requirements: Street landscaping shall be required along any side of a vehicular use area that abuts the right-of-way of any street, road or highway.

1. A landscaping strip (s) shall be located between the vehicular use area butting right-of-way. This strip (s) shall be at least six (6) feet in width beyond vehicular encroachment.
2. Concrete curbing or other approved material shall be provided around the base of planter area or landscape strip and around the perimeter of all vehicular use areas.
3. A planting screen or durable landscape barrier (30" in height measured from adjacent vehicular use grade) shall extend the entire length of the landscaping strip (s). Breaks in the barrier may be incorporated for aesthetic or security purposes. If a barrier is of non-living material, its height, the Sherwood City Engineer must approve design and location. If street side plant materials or improvements are proposed which may vary from the required minimums and maximums as herein provided, said proposal may be approved by the Sherwood Planning Commission where it is demonstrated by the applicant and so found by the Sherwood Planning Commission that the variance proposed in the minimums and maximums would not interfere with pedestrian and vehicular traffic safety.
4. One (1) shrub or vine for each five (5) feet of non-living durable barrier shall be planted between the barrier and the vehicular use area. These plants need not to be spaced five (5) feet on center, but rather, except for free standing specimen plants may be planted in grouping of three (3) or less. The remainder of the landscape strip (s) shall be improved with grass, ground cover, shrubs or other landscape treatment excluding paving and sand.
5. Trees shall provide an eight (8) foot height climb clearance except multi-trunk species, which shall be so, installed and maintained as not to create obstructions to vehicular or pedestrian traffic.

C. Interior Coverage Requirements: Not less than five (5) percent of the interior of a vehicular use area shall be landscaped.

Planters shall be placed throughout the vehicular use area to provide maximum shading and visual relief. Each planter area shall contain at least

eighty(80) square feet, or portion thereof, based on percentage calculations. Shrubs, ground covers and trees shall be included in each planter area. There shall be at least one (1) tree in each planter. It is not within the intent of this ordinance to have one (1) "large" planter to meet the square footage requirements.

1. Concrete curbing or other similar approved materials shall be provided around the base of each planter area, to separate from adjacent contiguous property.
2. Planting which is required for screening along the perimeter of any vehicular use area, as provided by Peripheral Coverage Requirements and Street Coverage Requirements, shall not be considered as part of the interior landscaping percentage requirement. Moreover, when a vehicular use area abuts buildings on the subject property, border planting adjacent to those buildings shall not be considered as part of the interior landscape requirement.
3. Industrial yards and compounds used for storing materials, manufactured products, equipment, truck loading and unloading, may be excluded from interior coverage requirements.

- D. Irrigation Requirements: Automatic irrigation shall be required for all landscaped areas except upon obtaining a variance from the Sherwood Planning Commission.

Section 7: "Additional Landscape Requirements for Public Rights of Way"

- A. This ordinance does not require that landscaping must be undertaken in public rights of way except the seeding or planting and maintenance of appropriate ground cover. However, should any person, firm or corporation desire to make other landscape improvements within public rights of way, then all other provisions of this ordinance shall be enforced and additional requirements, as provided in this article shall be mandated.
- B. Is shall be permissible to landscape the public rights of way between the property line and the street curb line, with the approval of the City Engineer.
- C. Any owner or occupant so desiring to landscape between the property line and the curb line shall apply to the Sherwood City Engineer for such purpose and the application shall contain a Landscape Plan. Upon find of the Sherwood City Engineer that such plantings are not or would not be contrary to the public interest and would not cause injury or impairment to

existing improvements or to impair flow of vehicular or pedestrian traffic, permission may be awarded at the sole discretion of the Sherwood City Engineer.

- D. Subject to revocation by the Sherwood City Engineer shall be at any time upon finding that any planting are interfering with public use of the right-of-way, or are causing physical injury to utilities or other improvements in the vicinity or are not being maintained in a neat, clean and attractive manner. In the event of any revocation, the owner or person occupying the adjacent premises shall remove any planting and shall restore the right-of-way to its condition at the sole expense of the owner or occupant and at no expense to the City of Sherwood.
- E. Trees planted in the public right-of-way shall have no division of the trunk below seven (7) feet with the exception of multi-trunk species. The minimum vertical clearance of limbs shall be eight (8) feet and limbs, which overhang the street or are within eighteen (18) inches of the curb shall have a minimum vertical clearance of fourteen (14) feet. Saplings and other plant materials shall be so planted and maintained as to not create visibility or pedestrian obstructions until such time the above requirements can be met.
- F. Sidewalk cuts for planting shall have a minimum area of twelve (12) square feet with one (1) horizontal dimension no less than thirty-six (36) inches nor more than forty (40) inches in width. The minimum distance from the back of the curb to the sidewalk cut (or planting areas) shall be thirty-six (36) inches. The tree shall be a minimum of ten (10) feet from a fire hydrant and four (4) feet from any water or gas cut-off valves, measured on center. The planting areas shall be landscaped with ground cover, river rock or metal grating.
- G. Trees installed in the ground shall be a maximum of thirty (30) feet on center. Spacing of the trees may be varied, as long as the average spacing does not exceed thirty (30) feet.
- H. There shall be a minimum unobstructed sidewalk of at least five (5) feet. Where the sidewalk (or pedestrian way) does not occupy the entire area (or is located adjacent to the property line) a minimum of five (5) feet pedestrian way shall be provided to remain unobstructed where appropriate.
- I. In the event the design layout and plan contemplate the planting of trees above ground in planter boxes, said planter boxes shall be constructed of reinforced concrete or other suitable materials with similar durability. The Sherwood City Engineer shall approve the design, location and spacing of the planter box and material selection.

Section 8: "Landscape Requirements for Buffering and Screening"

- A. Any fence or screen constructed shall not extend beyond the front building line on any lot or beyond the side building line on corner lots. Said screening is intended to minimize intrusions of commercial development with abutting single family residential. These regulations are designed to provide improved livability between residential and commercial uses by defining policy and standards regarding the placement, retention or placement of areas designated as screen borders or buffer areas.
- B. The Sherwood Planning Commission shall approve the specific height, material and construction for buffering and screening between residential and commercial zones. A dense planting of specified evergreens to reach a minimum height of six (6) feet within three (3) years can be utilized as appropriate screening. Dense planting of evergreens can be spaced at smaller intervals or double-rows of staggered spacing to achieve an opaque screen.
- C. Dumpsters, trash containment areas, garbage storage and sanitation areas shall be screened on three (3) sides and gated on the fourth (4) side with an opaque screen one (1) foot higher than the dumpster or activity being screened.
- D. Hillside cuts and slopes shall be protected with vegetation and other means to avoid erosion and siltation.
 - a. Zero (0) to thirty (30) percent grade requires vegetation with sod and/or ground cover.
 - b. Thirty-one (31) to forty (40) percent grade requires vegetation with netting and ground cover either hydroseeded or in containers.
 - c. Over forty (40) percent grade requires riprap with soil separating fabric,
 - d. Where stratified rock formations exist at finished grade, vines may be used as ground cover.
 - e. Where radical changes of vertical elevation of more than eight (8) feet and on slopes steeper than one to one (1:1), a safety net or fence at four (4) feet in height shall be constructed uphill along the length of the zone.
 - f. Where trees are required by another section of this code, level benches no less than five (5) feet wide shall be established within the slope to plant these trees.

- E. All non-vehicular use areas which are built on property zoned Commercial, Industrial, R-2, R-3 or R-4 which abuts property zoned R-1, or is currently used for residential, or is a public park or public use area, shall have an opaque six (6) foot wall or fence approved by the designated agent and a dense evergreen shrubbery screen as designated. The shrubbery screen shall grow to be no less than five (5) feet thick and no less than eight (8) feet tall within five (5) years. Shrubby plants used for this screen shall be no smaller than three (3) gallon size when planted. Elevation shall be measured at the property line. Where a hillside cut or fill is to be made a five (5) foot wide strip adjacent to the property line will be left at the existing slope for the purpose of installing the above shrubbery screen.

Section 9: "Procedure"

- A. Landscape Plan- If the cost of the proposed construction of structures and site development is more than three hundred and fifty thousand (\$350,000) dollars the applicant must submit ten (10) copies of a Landscape Plan to the Sherwood Planning Commission. If the cost of the proposed construction of structures and site development is less than three hundred and fifty thousand (\$350,000) dollars the applicant must submit three (3) copies of the Landscape Plan to the Sherwood City Engineer. When the vehicular use area is relative to a building structure, the landscape plan should be submitted concurrently with the building and site plans of the proposed structure. **The landscape plan may be shown on the building site plan and need not be a separate drawing.**

No tree planting shall be permitted that will conflict with traffic control devices, nor shall be in conflict with fire protection requirements, and no trees shall be planted in front of required knockout panels, exits, etc. The above conditions must exist prior to any approval by the Sherwood Planning Commission or Sherwood City Engineer.

- B. Presentation Requirements: The name, address and telephone number of the owner, developer and the designer shall be submitted with the landscape plan. The landscape plan can be submitted on the site plan as long as it is legible. The following information shall be shown on the plan:
1. North Point and scale.
 2. All dimensions and property lines.
 3. Existing and proposed lighting, parking spaces, access aisles, driveways, sidewalks, wheel stops, curbs and other vehicular use controls.
 4. The location of curb cuts on adjacent property, median openings on abutting streets, related buildings and other adjacent land uses.

5. Existing traffic controls, parking meters, utilities, fire hydrant, building exists and storm sewers located on public right-of-way abutting the property.
6. The locations, species and size of all existing isolated trees six (6) inches or more in caliper and the outline of all tree masses. Significant shrub masses, which are to be preserved, should be shown. Trees or tree masses to remain under the proposed development should be designated as such.
7. The location of all proposed plant materials. The botanical and common names, together with the quantity, spacing, and size of all such materials.
8. An exterior elevation and a wall section for any decorative screen indicated on the plan,
9. Existing and finished grade spot elevations and/or contour lines.
10. Irrigation plan with spray radii.

C. Preservation of Existing Plant Material Requirements: The preservation of existing plant material such as specimen trees should be incorporated into the development of landscape plans. In instances where such healthy plant material exists on a site prior to its development, the Sherwood Planning Commission may adjust the application of the above mentioned standards to allow credit for such plant material. Such an adjustment shall be in keeping with the intent of this ordinance.

D. Review and Approval of Landscape and Screening Plan: After receipt of the landscape or screening plan, it shall be reviewed by the Sherwood Planning Commission and be returned to the applicant. If the plan is found to be in compliance with the requirements of this ordinance, then a landscape permit shall be issued. Plans not in compliance shall be returned to the applicant with comments. Corrected plans shall be resubmitted for review and landscape or screening shall be approved when plans fulfill this article's requirements. Failure of the Sherwood Planning Commission to approve the plans does not entitle the owner or developer to any waivers of the requirement of this ordinance.

E. Variance of Landscaping or Landscape Screening: The Planning Commission shall review all requests for variance and shall make a determination of appropriateness unless specifically stated elsewhere for the Sherwood City Engineer.

Section 10: "Installation Requirements"

- A. After a landscape or screening plan is approved, the contractor or other individuals in charge of all landscaping or screening work shall begin work on landscaping or screening a vehicular use area not associated with a building structure within one hundred and twenty (120) days after the

landscape permit is issued or in accordance with a previously approved construction schedule, and shall execute the same continuously until the work is completed unless unavoidably delayed by weather conditions or other cause not within the control of the contractor. Landscaping or screening in association with a building structure must be scheduled with the overall building construction schedule. If there is an unscheduled delay or if there is a foreseen, previously planned postponement of improvements, then the contractor or party responsible for such work shall immediately notify the Sherwood Planning and Permit Department. Responsibility for adjustment in scheduling and other requirements are with the Sherwood City Engineer.

- B. Until work is completed, accepted and approved by the Sherwood Planning and Permit Department, the contractor shall place and maintain all necessary and proper barriers and other safeguards, upon and around the work for the prevention of accidents and at night he shall place, maintain and keep suitable and sufficient lights to warn of the obstructions and hazards, and an unobstructed passageway free of mud and debris shall be provided for pedestrians around the area with a minimum width of four (4) feet. If the passageway is located in the street property, it shall be constructed a minimum of four (4) inches above the pavement. The person doing such work under said permit shall and will indemnify and save harmless the City of Sherwood from and against all actions and claims and against all costs, damages and expense to the City may be put by reason of any injury or alleged injury to any person or property resulting or alleged to result from, or to be occasioned by any act, negligence, carelessness or want of skill in connection with or in the conduct of any said work, or in guarding same, or from any improper methods, tools, implements or materials used in its execution, or by on account of any alleged act or omission whatever of the contractor or his agents, employees or servants; and the contractor, person, firm or corporation doing said work under the approval as herein provided for shall well and truly make payment of any and all sums so recovered against the City of Sherwood, Arkansas, in any suit or suits on account of such alleged injuries to which the City may be made a party, together with all such costs, damages and expenses as may be suffered of the City of Sherwood, Arkansas, all in such manner as to save the City whole and harmless from such actions or claims.
- C. The owner/occupant, upon written notice of any city agent or public utility, shall remove or relocate or cause to be removed or relocated any planters above ground within forty-eight (48) hours of such notice for the maintenance of existing facilities or construction of new facilities. In the case of any emergency as deemed by the city agency or public utility, the planters shall be removed immediately by whatever means available. No city agency nor public utility will be liable for any damage of any

planting located within the street right-of-way; nor cost of moving planters.

- D. During the course of construction and planting, excess and waste materials shall be continuously and promptly removed and all reasonable precautions taken to avoid damage to existing structures, plants and grass. When all work is completed, the contractor shall leave the site in a neat, clean appearing condition.
- E. Certification of Compliance Required upon Completion of Improvements- Upon completion of improvements, the Sherwood Planning and Permit Department shall inspect the vehicular use area for compliance with the approved landscape or screening plan and other requirements of this ordinance. The Code Enforcement Officer must issue a certificate of compliance in the certificate of occupancy for any related structure.

Section 11: "Maintenance"

- A. The developer, his successor, owner, tenant or agent shall jointly be responsible for regular weeding, irrigating, fertilizing, pruning or other maintenance of all planting for landscaping/screening on the private property of the development. Plant materials which are installed for compliance with the ordinance, both on private property and the public right-of-way which exhibits evidence of insect pests, disease and/or damage shall be appropriately treated and dead plant materials shall be replaced.
- B. The property owner of land abutting a constructed public right-of-way area between his property line and the curb line shall be required to regularly weed, mow, prune and maintain planting in compliance with good horticultural practices.
- C. If the owner neglects or refuses to remove, abate or eliminate any such condition or conditions as are provided for in this ordinance, after having been given ten (10) days notice in writing to do so, the owner is subject to penalties of fifteen (\$15.00) dollars per day.
- D. All landscaping or screening shall be maintained in a neat and orderly manner. All plants that die shall be replaced or substituted with plants of similar variety and size. Fencing and other non-plant landscaping improvements shall be maintained in as close to installation conditions as possible.

Section 12: "Enforcement"

- A. Enforcement-The provisions of this legislation are to be enforced in this ordinance. These provisions apply to new multi-family, office, commercial and industrial building permits constituting new primary buildings and major expansions, and are not to be applied with single family detached residential building permits.
1. The Sherwood Planning Commission shall review all screening or landscape plans for major expansions when added floor space created is greater than fifty (50%) percent of the existing building square footage or five thousand (5,000) square feet, whichever is less.
 2. Existing uses are encouraged to provide screening but are not subject to the provisions of this legislation.
 3. Failure to comply with the provisions of this Ordinance may result in the imposition of a fee sufficient to accomplish the provision with evergreen plantings.
 4. The Sherwood City Engineer or Code Enforcement Department shall be responsible for determining noncompliance.
 5. Initial screening plantings are due before issuance of occupancy permits.

Section 13: "Penalty"

Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding fifteen (\$15.00) dollars, plus court costs, for each say a violation continues.

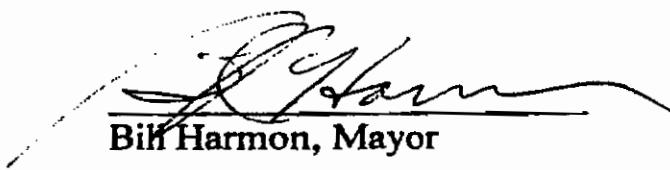
Section 14: "Right to Appeal"

Any interested person aggrieved by a decision of any administration official of the City in administering the provisions of this ordinance shall have the right of appeal to the City of Sherwood, Arkansas, as resolved by the Municipal Court of Sherwood, Arkansas.

Section 15: "Adoption of Ordinance"

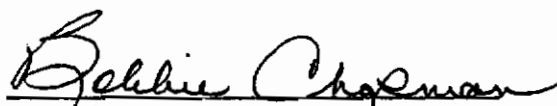
That the City Council has determined that the interest of the City and the residents thereof can best be served by the adoption of this ordinance. THEREFORE, this ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect thirty (30) days after its passage and approval.

PASSED this 25th day of September 2,000.



Bill Harmon, Mayor

Attest:



Bobbie Chapman, City Clerk

Section 6 DESCRIPTION OF OFFICE DISTRICTS

6.1 General Purpose Office Districts

The suburban construction of office buildings is a relatively new trend in the Little Rock-North Little Rock Metropolitan Area but has been a distinctive aspect of the postwar (World War II) office construction boom in the large cities of the nation. The suburban office buildings, usually offering free off-street parking, have often built in association with shopping center or medical centers. More elaborate suburban executive office parks, with several buildings erected in a free standing planned development are setting the trend in the Metropolitan Area.

6.1.1 District Subdivisions

The "O" Office District is hereby subdivided into two (2) distinct districts which are identified as:

1. "O-1" Special Purpose Office District
2. "O-2" General Office District

6.1.2 District Restrictions

Unless otherwise specifically provided in this section, the following restrictions shall apply to the "O-1" and "O-2" Districts:

1. Any lighting shall be placed so as to reflect away from adjacent residential development. No excessive or unusual noise, odor or vibration shall be emitted to constitute a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the "O-1" or "O-2" site. Such noise, odor or vibration comparisons shall be made at the boundary of the site.
2. All trash receptacles and pickup shall be screened from view from the adjacent streets and shall be screened from view from abutting residential property.
3. All signs shall be in compliance with the provisions of Ordinance 603.

6.2 "O-1" Special Purpose Office District

The "O-1" Special Purpose Office District is intended to accommodate primarily small offices of individual professional and business enterprises. The office uses typically will be doctors or dentists or related medical professions, lawyers, accountants, real estate, investment brokers and the like. The scale of the office operation will be restricted to, from one (1) to ten (10) employee's and three thousand (3,000) or less square feet of

office floor area. The conversion or replacement of older structures no longer useful, serviceable or desirable in their present use to office use is encouraged in established areas of the City indicated as "CS" on the Sherwood Land Use Plan. The establishment of "O-1" Districts to accommodate new office construction designed to reinforce desirable characteristics of the neighborhood may be considered for the "CS", "NS" and "SD" areas shown on the Sherwood Land Use Plan.

6.2.1 Use Regulations

1. Permitted Uses

- a. offices, general and professional (offices characteristically neither produce any products in the sense of fabrication or manufacture, nor do they sell products in the sense of retail or wholesale trade but they may be administrative or offer services for the general public, other companies or government)
- b. church
- c. clinic (human medical, dental, chiropractic or optical)

2. Conditional Uses

- a. library, art gallery, museum or similar public use
- b. studio (art, drama, speech, dance or similar skills)
- c. financial institution (drive-in)
- d. photography studio

6.2.2 Height Regulations

The principal structure shall be a maximum height of eighty (80) feet; however, all other structures man-made objects, except accessory buildings, shall not exceed a height of thirty-five (35) feet.

6.2.3 Area Regulations

1. Front Yards

There shall be a front yard having a depth of not less than forty (40) feet to the front line of the building.

2. Side Yard

Side yard setback shall be of sufficient width to permit a garbage truck authorized for use by the City of Sherwood to gain access to the rear of a building or a group of buildings on the lot. Side yards abutting a street or residential lot line shall be no less than twenty-five (25) feet.

3. Rear Yard

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

4. Lot Area Regulations

There shall be a lot area of not less than seven thousand (7,000) square feet. In addition, there shall be a lot width of not less than sixty (60) feet and a minimum lot depth of not less than one hundred (100) feet.

5. Lot Coverage

Maximum lot coverage for all principal and accessory buildings shall be thirty-three and one-third (33 1/3) percent of the total area of the lot.

6.2.4 Screening Requirements

Where an "O-1" District abuts a Residential District whether in a shopping center or free standing strip development arrangement, a permanent opaque fence having a height of not less than six (6) feet shall be installed by the developer (s) on property zoned "O-1" in order to provide a buffer between "O-1" and residential property. Any light used to illuminate business signs or parking areas in the "O-1" District shall be arranged to reflect the light away from adjacent or nearby Residential Districts, whether on the same side of or across a street.

6.2.5 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 ½) inch asphaltic concrete hot mix with a six (6) inch compacted base or a four (4) inch concrete slab, and shall have appropriate bumper guards where needed. See Section 10.5.

6.3 "O-2" General Office District

A. Purpose and Intent

The "O-2" General Office District is established to accommodate offices and associated administrative, executive and professional uses. Office buildings in the "O-2" District may be designed as free standing single buildings with ancillary parking or the design may be a multiple set of buildings in a landscaped office park with appropriate driveways and vehicle parking. Office facilities of a magnitude anticipated for the "O-2" District should be limited to arterial street access and the "O-2" District may be considered for establishment in areas designated as "SC," "LI" and "SD" on the Land Use Plan. Sites within these areas must be carefully selected so that adequate public utilities, community facilities and other public services are present to support general office development.

6.3.1 Development Criteria

Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

1. All properties for free standing or multiple building offices shall be developed under a unified site plan submitted to and approved by the Planning Commission. The property may be developed in stages. Criteria for submittal of the accompanying site plan shall follow the guidelines set forth in the Ordinance.
2. Customary accessory uses shall be permitted only when they are clearly incidental to the primary use. No accessory use or uses may utilize in excess of ten (10) percent of the floor space of the primary use.
3. All buildings shown on the required site plan shall cover an aggregate area of not more than forty (40) percent of the area of such site.
4. All detached buildings shall be separated by a distance of not less than twenty (20) feet.
5. Provisions for ingress, egress and service easements shall be presented to the Planning Commission for review and approval along with the site plan.
6. A twenty-five (25) foot landscaped strip parallel to and abutting any boundary street shall be provided and maintained by the owner (s) and in which no parking of wheeled vehicles shall be allowed.

6.3.2 Use Regulations

1. Permitted Uses

- a. offices, general or professional (Offices characteristically neither produce any products in the sense of fabrication or manufacture, nor do they sell products in the sense of retail or offer services for the general public, other companies or government.)
- b. church
- c. clinic (human medical, dental, chiropractic or optical)

2. Accessory Uses

The following accessory uses are permitted only in conjunction with(housed in the same building) a permitted use in the “O-2” District and said accessory uses shall not exceed ten (10) percent of the total floor area of the permitted use.

- a. barber and beauty shop
- b. bar, lounge or tavern
- c. book and stationery store
- d. camera shop
- e. drug store or pharmacy
- f. eating place without drive-in service
- g. florist ship
- h. health studio or spa
- i. optical shop
- j. tobacco and smokers pipe shop

3. Conditional Uses

- a. library, art gallery, museum or similar public use
- b. studio (art, drama, speech, dance or similar skills)
- c. financial institution (drive-in)

- d. photography studio
- e. multi-family in accordance with height and area restrictions for R-3
- f. hotel or motel
- g. parking, commercial lot or garage

6.3.3 Height Regulations

The principal structure shall be a maximum height of eighty (80) feet; however, all other structures or man-made objects, except accessory buildings, shall not exceed a height of thirty-five (35) feet.

6.3.4 Area Regulations

1. Front, side and rear yards
 - a. front, forty (40) feet
 - b. side, twenty-five (25) feet
 - c. rear, twenty-five (25) feet
2. Site Area

The minimum site area for a multiple building office park arrangement shall be two (2) acres. The minimum site area for a free standing office building shall be fourteen thousand (14,000) square feet. In addition, for either type of office development, there shall be not less than two hundred (200) feet of frontage on at least one (1) abutting boundary street.

6.3.5 Screening Requirements

Screening requirements as a minimum shall be the same as those established for the "O-1" District.

6.3.6 Parking Requirements

Parking requirements as a minimum shall be the same as those established for the "O-1" District.

SECTION 7 DESCRIPTION OF INDUSTRIAL DISTRICTS

The zoned industrial districts provided for in this ordinance are all intended to be “light industry.” This category contains those industrial uses which are generally not objectionable because of noise, heavy truck traffic or fumes or which generate nuisances which may be ameliorated. It should be noted that many uses of land and buildings permitted in the “C-3” and “C-4” Districts are also well suited for establishment in the “light industry” District.

The establishment of “heavy industry” is not provided for in this ordinance. This group “heavy industry” contains uses of land and buildings which have severe potential for negative impact on any urban uses which would locate relatively close to them. This group differs from light industrial uses in that it includes uses that require unenclosed structures that are large, tall and uses also have severe potential for generation of odor and may involve large amounts of exterior storage. This group may include junk, scrap or salvage yards and all extraction uses. These uses create major disruptions to the area’s environment, even when carefully regulated. Dust, dirt, noise and unsightly conditions can be anticipated. None of these types of uses is an acceptable neighbor in an urban environment.

At the present time (1984) little land is available within the corporate boundary of Sherwood for even light industrial development. However, within the planning area boundary land is conceptually set aside for light industrial use as depicted on the Sherwood Land Use Plan. These sites, for the most part, will achieve their highest potential for light industry upon the completion of the North Belt Freeway. Even though the completion of the freeway is several years away and the sites are no currently protected by zoning; there is still a great potential for their use light industrial park arrangements is encouraged. The sites should be subdivided into developable lots with street access and public utilities and services and be administered by the municipality or an Industrial Park Commission or Authority, or private enterprise.

7.1 “I-1” Light Industrial District

A. Purpose and Intent

The “I-1” Light Industrial District is designed to accommodate a wide range of industrial and related uses which conform to height development standards. A primary objective of this District is the reservation of sufficient land at appropriate locations to accommodate both present and proposed needs of the City for industrial development. Residential development is excluded from this district, both to protect residents and to facilities maximum efficiency of industrial activity. Community facilities and trade establishments which provide needed services to the industrial uses are allowed in this district.

B. District Restrictions

Unless otherwise specifically provided in this section, the following restrictions shall apply to this district:

1. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts. No 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 comparisons shall be made at the boundaries of the site.
2. Outdoor storage of trash shall be in covered receptacles and shall be at the sides or rear of the site and shall be totally encircled or screened by a fence. Planting or other suitable visual barrier.
3. A permanent opaque screening fence or wall shall be constructed along any side or rear property line which abuts property zoned for residential purposes. The height of this screen or wall shall be not less than eight (8) feet and shall be constructed of wood, masonry or other durable opaque material.

7.1.1 Use Regulation

Permitted and Conditional Uses

Refer to chart "Schedule of Uses" adopted as an integral part of this Ordinance.

7.1.2 Height Regulations

No building hereafter erected or structurally altered shall exceed a height of forty-five (45) feet.

7.1.3 Area Regulations

1. Front Yard

There shall be a front yard having a depth of not less than seventy (70) feet.

2. Side Yard

There shall be a side yard on each side lot line of any building having a width of not less than thirty (30) feet.

3. **Rear Yard**

There shall be a rear yard having a depth of not less than forty (40) feet from the lot lien to the building. In the case of double frontage lots, the rear yard setback shall be increased to fifty (50) feet.

4. **Lot Area Regulations**

There shall be a minimum lot area of not less than one (1) acre. In addition, there shall be a minimum tract width of one hundred and fifty (150) feet and tract depth of not less than two hundred (200) feet.

5. **Lot Coverage**

Maximum lot coverage for all principal and accessory buildings shall be thirty-five (35) percent of the total area of the lot.

6. **Off-Street Parking**

See Section 10.5.

SECTION 8 PUD-PLANNED UNIT DEVELOPMENT DISTRICTS

The Planned Unit Development Districts are established to permit the combination of the subdivision of land and zoning review into one (1) 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 is the same developer to actually construct the buildings and provide 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 housing 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 health, safety and welfare of the municipality. The PUD process has a "built-in" public awareness aspect that insures citizen involvement prior to final commitment to development.

1. Two Districts Established

Two types of planned unit development districts are hereby established:

1. The Planned Residential District may be referred to and will be indicated on the zoning map as R-2 and R-3.
2. The Planned Commercial District may be referred to and will be indicated on the zoning map as PCD.

2. R-2 and R-3 Planned Residential District

The R-2 and R-3 are intended to accommodate a variety of housing styles and densities and may include retail commercial activities geared to the R-2 and R-3 resident market. The purpose, intent and application of the R-2 and R-3 are as follows:

1. To most effectively utilize land areas in Sherwood which have characteristics such as steep slopes, flood plain proximity, river view and the like which makes conventional platting and rigid bulk and area requirements of zoning to apply;
2. To encourage a variety and flexibility in land development and land use in a zone that will be predominantly residential.
3. To maximize the enhancement and minimize the disruption of existing natural features and amenities found in the R-2 and R-3 sites.

3. R-2 and R-3 Permitted Use

Permitted uses in this district may include:

1. Residential uses permitted in the R-1, R-2 and R-3 district of this regulation.
2. Parks, public and private facilities and open space.
3. Public and institutional uses such as schools, churches and public utilities.
4. Retail commercial uses permitted in the C-1 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 four (4) percent of the total gross floor area in the development.

4. PCD Planned Commercial District

The PCD is intended to accommodate retail and wholesale commercial, office and industrial development. The industrial development is construed to be in character with the industry permitted in the I-1 district. The purpose and application of the PCD is as follows:

1. To encourage orderly and systematic non-residential areas that combine endeavors of commerce into a rational, mutually beneficial arrangement accounting for vehicular and pedestrian circulation, access and egress, loading, landscaping and buffer strips.
2. To encourage clusters, centers and pre-planned groupings of buildings within areas specifically designed to accommodate mixed uses and to discourage the proliferation of free standing commercial or industrial uses along thoroughfares.

5. PCD Permitted Use

Permitted uses in this district may include:

1. Retail commercial uses suggested in the C-1 and C-2 districts.
2. Wholesale commercial uses.
3. Office uses
4. Public and institutional uses

6. Conditional Uses

Industrial Uses

It is the intent of this regulation to be highly restrictive in determining the appropriateness of industrial uses in the PCD zone on the west side of Highway 67/167. On the west side of Highway 67/167, industrial uses shall be limited to not exceed five (5) percent of the gross area of other uses in a given PCD development proposal. There shall be no percentage restriction imposed in a PCD on the east side of Highway 67/167.

7. Development Standards, Conditions and Review Guidelines

The Planning Commission shall consider the proposed Planned Unit Development in light of the intent, purpose, standards and review guidelines set forth herein. Primary emphasis shall be upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of on site and down stream drainage and the protection of watercourses from erosion siltation and preservation of natural site amenities. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this regulation shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

A. Density and Intensity

1. Residential Density-Planned Unit Development residential densities shall be determined on the basis of the following considerations; the densities designated by the land use plan; the densities of surrounding development, the densities allowed under the various districts; the urban development goals and other policies of the City; the topography and character of the natural environment, and the impact of a given density on the specific site and adjacent properties. The following specific guidelines shall be used in evaluating an application:

Residential Unit Guidelines

Unit Per Gross Acre

1. Single Family	4
2. Zero lot line (patio homes)	4-6
3. Duplex, town house	6-12
4. Garden apartment (1 or 2 floors)	13-18
5. Medium rise apartments (3 to 5 floors)	19-24
6. High rise apartment (over 6 floors)	25 +

2. **Maximum Coverage-** The Planning Commission shall review specific proposed lot coverage which generally correspond to the guidelines for lot coverage in the respective Residential, Office, Commercial or Industrial District which most depicts said development scheme.

B. Lot Size, Setback and Building Height

- a. **Lot Size-** There shall be no minimum standards although existing standards of zoning and subdivision regulations will be used as a guide.
- b. **Setback-** There shall be no minimum standards although existing standards of zoning and subdivision regulations will be used as a guide.
- c. **Building Height-** There shall be no maximum building heights except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. All height proposals shall be reviewed by the City Engineer. Building height within a planned unit development may differ from parcel to parcel, but in no instance shall building heights within a parcel exceed the height generally permitted for similar uses within the conventional zoning districts wherein the use would normally be located. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

C. 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 a part of a planned

unit development. The nature and extent of screening and landscaping required shall be determined by the Planning Commission and in relation to the overall character of the development and its specific location. As part of the final development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size/age) of plant material. Screening plans shall be preserved whenever possible. The location of trees must be considered when planning the common open space, location of buildings, under-ground services, walks, paved areas, playgrounds, parking areas and finished grade levels.

D. Open Space

Well designed open space is an important factor in providing for innovative design and visual attractiveness. Open space shall be evaluated utilizing the following general guidelines:

- a. A minimum of ten (10) to fifteen (15) percent of gross Planned Residential District (R-2 & R-3) areas shall be designated as common usable open space.
- b. Single family, Duplex, Zero Lot Line and Townhouse shall have a minimum of five hundred (500) square feet of usable private open space per unit.
- c. No more than one-half (1/2) of the common usable open space may be covered by water.
- d. At least fifty (50) percent of the required common usable open space shall conform to the average overall slope within the development.
- e. Recreation facilities or structures and their accessory uses located in common areas shall be considered as usable open space as long as the total impervious surfaces such as paving and roofs constitute no more than ten (10) percent of the total open space.
- f. Landscaped roof areas, accessible to all residents, may be counted as usable common open space at a value of sixty (60) percent of the actual roof area devoted to their use.
- g. A minimum of ten (10) percent of gross Planned Commercial District (PCD) areas shall be designated as landscaped open space, not to be used for streets or parking.

E. Traffic Circulation

The following traffic circulation guidelines shall apply:

- a. The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
- b. Sites without access to either collector or arterial streets shall be developed at a density not to exceed twelve (12) units per gross acre.
- c. The traffic circulation system shall be comprised of a hierarchial scheme of local, collector and arterial streets each designed to accommodate its proper function, and in appropriate relationship with one another and the Master Street Plan.
- d. Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
- e. Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the Planned Unit Development.
- f. Internal local streets shall be designed to discourage through traffic within the Planned Unit Development and to adjacent areas.

F. Parking Standards

The off-street parking and loading standards found in specific gross usable or leasable floor area of the respective use areas.

G. Perimeter Treatment

Notwithstanding any other provisions of a Planned Unit Development District, all uses of land or structures shall meet the open space, buffer or green strip provisions of the Zoning and Subdivision Ordinances for the City of Sherwood.

H. Financing of Public Improvements

Where financing for public improvements needed to accommodate a planned unit development is insufficient, the Planning Commission shall

encourage the applicant to establish improvements districts or other equitable means of financing these improvements.

8. General Eligibility and Staging Requirements Applicable to R-2 and R-3 and PCD

Three standards of eligibility which must be met, relate to location, ownership and size. Projects may be staged at the option of the developer.

(1) Location

Eligible properties shall lie within the Corporate limits of the City of Sherwood or within the extraterritorial limits over which the City exercises zoning jurisdiction as permitted by Arkansas Statute. This area limitation is made even though subdivision planning is part of the PUD process which, without zoning, would be applicable to the entire extraterritorial planning area.

The intent is to apply the R-2 and R-3 district to areas designated as "Multi-Family" and to confine the PCD to the area designated as "Commercial/Industrial" as shown on the Land Use Plan.

(2) 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.

(3) Minimum Size

Eligible properties must normally be two (2.0) acres or larger in size (gross acreage). Slightly smaller parcels may be eligible, provided the applicant can show that the proposed planned unit development can meet the intent and regulations of this article without injury to the public health, safety and welfare.

(4) Staging

While this ordinance encourages submission of comprehensively planned development proposals of entire ownerships, a preliminary development plan need not cover the entire property owned by the applicant.

Applicants may choose to submit a phased development program incorporating incremental final development plans and plats for sub-areas

of the entire ownership. Although the entire ownership must be shown, a boundary survey or some type of device showing streets, drainage or other boundary features must be provided in order to phase development. Where this is done, the applicant shall adhere to the approved development schedule for the phased submission of the final development plan and plat.

If the applicant cannot adhere to the time period approved, a written request for an extension may be submitted to the Planning Commission. A maximum of two (2) one-year extensions may be granted by the Planning Commission which, upon demonstration of good cause, shall not unnecessarily withhold approval. Additional extensions shall require approval of the Council.

9. Application Review Procedure R-2 and R-3 and PCD

The Planned Unit Development application shall consist of three (3) phases, a pre-application conference with the City of Sherwood Planning Department and the City Engineer. These two (2) will subsequently be referred to as the "staff." A Preliminary Development Plan reviewed by the Planning Commission and Council and Final Development Plan and Plat approved as a whole or in phases by the Planning Commission and staff 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 unit development.

(1) Pre-Application Conference

Before submitting an application for any planned unit development, the landowner or his authorized agent shall confer with the staff in order to become familiar with the planned unit development review process.

The applicant will inform the staff about the location, the provision of access, the utility requirements, the intended use of land and structures and timing of construction.

The staff will inform the applicant of City policies regarding access and utilities and of any perceived potential problems that might arise in execution of the R-2 and R-3 or PCD.

After the pre-application conference, the proposed development may be heard before the Planning Commission

(2) Preliminary Development Plan Review

An applicant seeking the Planned Unit Development of property shall submit to the staff a preliminary development plan and all the necessary fees at the time of the filing.

The preliminary development plan will be reviewed by staff and any affected City department and their recommendations shall be forwarded to the Planning Commission. A public hearing for the preliminary plan shall be set not later than sixty (60) days after filing and shall be legally advertised at least one (1) time in a newspaper of general circulation in the City, fifteen (15) days before the meeting.

At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the planned unit development proposal. 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 applicant will receive written notification of the action taken by the Planning Commission within ten (10) days of the meeting date.

- a. **APPROVAL** If the preliminary development plan is approved by the Planning Commission, it will be forwarded to the Council for their review. The Council may grant, deny, defer for requested changes or information or return the application to the Planning Commission for further study. The Council may direct the Planning Commission to reconsider specific aspects of the preliminary development plan. 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 plot. The approved preliminary plat permits the completion of subdivision construction, streets, grading, utilities and the like. If the preliminary application is approved, a post preliminary application conference shall be held between the applicant and the staff. This conference will be held to discuss what changes were required by the Council. The staff will inform the applicant of any plan alteration or additional information which must be submitted for the final development plan/plat review.
- b. **MODIFICATION** If the preliminary development plan is conditionally approved, the applicant shall have ninety (90) days from the date of the Planning Commission action granting conditional approval, to submit a revised preliminary development plan. If the staff determines such revisions are in conformance with the Planning Commission's specific recommendations, it shall be forwarded to the Council for public hearing and disposition. If the revisions are determined not to be in conformance with the intent

of the conditional approval, the revised preliminary development plan will be resubmitted to the Planning Commission for public hearing.

- c. **DISAPPROVAL** If a preliminary plan is denied, the applicant may appeal to the Council, provided a written request is filed within thirty (30) days of the denial by the Planning Commission.

(3) **Final Development Plan and Plat**

The applicant shall generally have one (1) year from the date of preliminary plan 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 (2) one (1) year extensions may be granted by the Planning Commission. Additional extensions shall require approval by the Council. Time extensions must be applied for before the time elapses on all 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.

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

- a. Increase proposed floor area for non-residential use by more than five (5) percent.
- b. Increase total building coverage by more than five (5) percent.
- c. Increase building height by more than five (5) percent.
- d. 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 streets or facilities for water, storm water, sanitary sewers or other public facilities required as a tentative condition of approval of the preliminary development plan. The burden shall nevertheless, be upon the

landowner to show the Planning Commission good cause for any variation between the preliminary plan previously approved, and the final plan and plat submitted for approval.

If the Planning Commission finds that 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. 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 in writing of said refusal, setting forth the reasons such variations are not in the public interest.

The landowner may either resubmit the final development plan and plat in conformance with the Preliminary Development Plan, or file a written appeal with the Council within forty-five (45) days of the refusal date. In the event such an approval is filed, the Council shall schedule a public hearing to consider the application.

After the final development plan and plat has been approved, the applicant shall enter into an agreement with the City in order to install the required public improvements. The applicant shall either:

- a. Post a performance bond in an amount determined by the project engineer and approved by the City Engineer; said deposit to be placed in an interest-bearing account with interest credited to the applicant and subject to an agreement permitting the City to use the deposit for completion of the improvements if the applicant becomes in default under the contract for improvements; or
- b. Enter into a tri-party agreement with the City and project lender requiring that:
 - (1) The funds for the required improvements will be set aside and held separate from the balance of the development financing.
 - (2) The funds set aside will be disbursed only for the required public improvements and for no other purpose.
 - (3) The funds will be disbursed in direct payment for completion of the improvements if the applicant

becomes in default under the contract for improvements.

The execution of a certificate of approval for final construction plans for public improvements shall be authorized by the staff after receiving the above mentioned documents and making the necessary field checks. After compliance has been reached with all provisions of the PUD 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. Submission Requirements

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

A. Preliminary Development Plan Submittal

- (1) A statement describing the character of the development and including the rationale behind the assumptions and choices made by the application.
- (2) Quantitative data including the following information:
 - a. Parcel size.
 - b. Types and numbers of uses and floor areas by use.
 - c. Ratio of building coverage and percent of floor area occupied by permitted uses.
 - d. Total acreage of private and commonable and non-usable open space by type.
- (3) A site plan meeting the following requirements:
 - a. Submitted on a sheet not to exceed twenty-four inches by thirty-six inches (24" X 36") or less than twelve inches by twenty-four inches (12" X 24") and containing a small scale vicinity map. Informational items may be developed as overlays of the basic map.
 - b. To scale (scale indicated) and directionally oriented.
 - c. Proposed lot lines and plot designs.
 - d. Existing and proposed circulation system of all streets (arterial, collector, residential) including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (ingress and egress).
 - e. Existing and proposed pedestrian circulation systems.

- f. Proposed treatment of the perimeter of the property, including materials and techniques used such as screens, fences and walls as well as description of uses, setbacks and their relationship to surrounding uses.
- g. General schematic landscape plan of the treatment of the area used for private and common open space (including open space buffers).
- h. Location and size of all areas to be conveyed dedicated or reserved as common open spaces, public parks, recreational areas and similar public and semi-public use.
- i. Location, dimensions, nature of all existent proposed easements (utility, streets) and public improvements (drainage sewers, water, etc.).
- j. Indication of location of structures and structure dimensions, dimensioned distances between buildings, and distance from structures to property lines.
- k. Description of the following existing conditions of the property:
 - Contours at two (2) foot intervals
 - Watercourse
 - Flood Plains
 - Unique natural features
 - Forest cover
- l. A legal description of the total site proposed for development, including a statement of present and proposed ownership.
- m. A development schedule indicating the approximate date when construction of the Planned Unit Development or stages of the Planned Unit Development can be expected to begin and be completed.
- n. A statement of the applicant's intentions with regard to the future selling or leasing of all portions of the Planned Unit Development, including land areas, and dwelling units.
- o. An approved preliminary plat in accordance with the Subdivision Regulation for the City of Sherwood.

B. Final Development Plan and Plat Submittal

The final development plan and plat shall contain or include with the following, all information required in a preliminary plan, plus the following:

- 1. A letter from the applicant requesting final review.
- 2. A description of the maintenance provisions of the development.
- 3. Final subdivision plat.

4. Survey of the property.
5. The proposed development schedule including:
 - a. Starting date
 - b. Dates when various phases are projected to be completed
6. A site plan with the required preliminary plan information, plus the following:
 - a. Indication in feet of the interior curb radius for all vehicle turning movements within, into and off the site.
 - b. Illustration of proposed street improvements to be provided in relation to property lines including additional dedication, if required, and width of curb cuts and sidewalks, if required.
 - c. Illustration of existing and proposed water supply for fire protection, utility systems including sanitary sewers, storm sewers and water, electric, gas, and telephone lines, and evidence of approval from the responsible jurisdictions or companies.
 - d. Illustrations of location of structures and structure dimensions, dimensioned distances between buildings, and distance from structures to property lines indicating any changes from the preliminary plan.
 - e. A landscaping and screening plan showing the location, size and specific types of landscaping materials, fencing and other buffers from other than single family developments.
 - f. Submit a detailed schedule of events for final plat recording when associated with a condominium development. This schedule should outline the steps taken whereby the final plat will not be filed until the buildings are completed. Condominium plat and final subdivision plat in this instance will be the same instrument.

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

Engineer of record shall provide staff with copies of the proposed condominium final plat as proposed for recording. Staff will insure that all requirements have

been met, and that the plat will be proper for recording subject to an as-built survey of the site.

C. Filing Fees

Filing fees for Planned Unit Development applicants shall be those established from time to time by the City Council. In the event that a preliminary plan application is withdrawn prior to Planning Commission action the applicant shall be entitled to a refund as established from time to time by the Planning Commission; provided, however there shall be no refunds of any portion of fees paid on applications amended or denied in the review process. If a new application is filed on the same or portion of the same property after a prior petition has been acted upon or withdrawn, the subsequent application shall be considered a new application, and fees charged accordingly.

8. Causes for Revocation

A. Causes for Revocation as Enforcement Action

The Planning Commission may recommend to the Council that any previous Planned Unit Development approval be revoked and all building permits be voided under the following circumstances:

1. If the applicant has not submitted a final development plan to the staff within one (1) year of preliminary plan approval. Where an optional staged development plan is utilized, the affected portion of the approved preliminary plan may be revoked in its entirety or to the extent of that portion on which a final development plan and plat has not been submitted and approved.
2. If no building permit has been issued within two (2) years from the recording date of the final development plan and plat, or initial plan of a staged final development plan and plat and the applicant has not been granted an extension.
3. If the applicant does not adhere to the phased development schedule as stated in the approved preliminary development plan.
4. If construction and provision of all common open spaces and public and recreational facilities which are shown on the final development plan and plat are proceeding at a substantially slower rate than other project components.

From time to time, the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the

Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final development plan and plats if preceding phases have not been finalized. The City may also issue a stop work order or discontinue issuance of building permits or revoke those previously issued.

B. Procedures for Revocation

1. Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or his authorized agent notifying him of his alleged default and setting a time at which he shall appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke his Planned Unit Development. The Commission's recommendation shall be forwarded to the Council for disposition as in original approvals.
2. In the event any Planned Unit Development is revoked by the Council because any of the above defaults have occurred, the Council shall take the appropriate action to prohibit any further development and shall file for record such action in the City Clerk's Office.
3. In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective Planned Unit Development.
4. After causes for revocation or enforcement have been corrected, the Council shall expunge such record as established in "2" above and the Planning Commission shall resume approval of final development plans and shall authorize continued issuance of building permits.

SECTION 9. EXCEPTION TO LOT, YARD AND HEIGHT REGULATIONS

The lot, yard and height requirements and regulations set forth in Section 3 through 5 shall be subject to the following exceptions, modifications and interpretations.

9.1 Existing Lots of Record

9.1.1 May be Used as a Building Site

Any lot or parcel of land in any zoning district that was under separate ownership and of record on the date of adoption of these regulations, or amendment thereof, and any adjoining land fronting on the same street that 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, width, or both, that are generally applicable to lots in the zoning district.

9.1.2 Side Yard Requirements

On any such lot or parcel, the yard requirements of these regulations shall be complied with if said requirements do not reduce the net buildable width below thirty-five (35) feet. If the net buildable width of the lot falls below thirty-five (35) feet, then the side yard requirements may be reduced so that:

1. Any interior side yard shall not exceed ten (10) percent of the width of the lot, and
2. Any exterior side yard shall not exceed twenty (20) percent of the width of the lot or eight (8) feet, whichever is greater.

9.1.3 Front and Rear Yard Requirements

On any such lot or parcel, the front and rear yard setback requirements shall not reduce the net buildable depth of the lot below fifty (50) feet. If the front and rear yard requirements do reduce the net buildable depth below fifty (50) feet, then front and rear yard requirements may be reduced so that:

1. The front yard shall not exceed fifteen (15) percent of the depth of the lot, and
2. The rear yard shall not exceed ten (10) percent of the depth of the lot, or ten (10) feet, whichever is greater.

9.2 Front Yard Exceptions

In any zoning district where thirty-five (35) percent or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with the buildings whose frontal yards do not vary more than ten (10) feet from the required front yards for that zoning district, then any new building erected must conform with the average front yard depth established by the existing buildings.

9.3 Rear Yard Exceptions

In computing the required depth of a rear yard for any building where such yard abuts on an alley, the depth of the lot may be considered as extending to the center of said alley, and the required depth of the rear yard as being measured from the center line of said alley.

9.4 Projections into Required Yards

9.4.1 Certain Architectural Features

Certain architectural features may project into required yards as follows:

1. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding four (4) feet.
2. Fire escapes may project a distance not exceeding four point five (4.5) feet.
3. Uncovered stairway and landings may project a distance not exceeding three (3) feet.
4. Bay windows, balconies, and chimneys may project a distance not exceeding two (2) feet, and in aggregate not to exceed one-third (1/3) the length of the building wall on which they are located.

9.4.2 Fences, Walls or Hedges

Any fences or screens constructed must not extend beyond the front building line on any lot nor beyond the side building line on corner lots. Said fences or screens shall have Board of Adjustments approval as to location, height, material and construction.

9.5 Height Exceptions

When authorized by the Board of Zoning Adjustment, zoning height limitations may be extended.

SECTION 10. GENERAL PROVISIONS

10.1 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 are construed to be accessory buildings. No accessory building shall be greater than twenty-five (25) percent of the principal building in square footage of floor area. The maximum height allowed for an accessory building in residential districts is a one (1) story building with a ten (10) foot ceiling height.

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 the regulations applicable to the principal building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half (1/2) of the lot at a distance not less than ten (10) feet from any dwelling existing or under construction on the same or adjacent lot. Accessory buildings shall not be located closer to any interior or rear lot line than four (4) feet. In the case of a corner lot, said accessory building shall not project beyond the required building line on the adjacent lot.

10.2 Non-Conforming Uses

10.2.1 Continuing Existing Non-Conforming Uses

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.

10.2.2 Limitations on Non-Conforming Uses

A non-conforming use of a building or land shall not be changed, extended, reconstructed, enlarged or structurally altered unless:

1. Such change is required by law or order.
2. Authority is granted by the Board of Adjustment.
3. Such repairs and maintenance work are required to keep the building structurally sound.
4. Any commercial property that comes into Sherwood as non-conforming that is destroyed by arson or an Act of God may be

rebuilt to city standards and ordinances if built the same size and purpose.

5. The expansion or change of a non-conforming use shall follow amended procedures as set for the in the following:

An application for change or expansion of non-conforming use may be initiated by the City of Sherwood Board of Adjustment or by one (1) or more owners or lessees of land affected by the City of Sherwood Zoning Ordinance. Such application must be file with the Secretary of the Board of Adjustment seven (7) days or more prior to the date of the next regularly scheduled Board of Adjustment meeting.

Procedure for change or expansion of non-conforming use:

Upon filing an application for change or expansion of non-conforming use with the Secretary of the Board of Adjustment, these regulations may amended by the following procedures:

1. The Board of Adjustment shall hold a public hearing on the proposed change or expansion on non-conforming use not less than fifteen (15) days after notice of such hearing has been published in a newspaper of general circulation in Sherwood. The notice shall give the time and place of the hearing and non-conforming use. The applicant shall inform all owners of land, by certified letter, names to be taken from a bonded abstract company, return receipts requested, which lies within three hundred (300) feet of the land for which the change or expansion of non-conforming use is requested of the time, date and place of the public hearing and the proposed change or expansion of non-conforming use designation. All return receipts and a copy of the letter shall be furnished to the Board of Adjustment in care of the Secretary of the Board of Adjustment at least five (5) days prior to the public hearing.
2. The applicant shall procure signs from the Planning Department, City of Sherwood, for the purpose of posting the property proposed for a change or expansion of non-conforming use.
 - a. The signs will be displayed on the property on a post or other suitable standard not less than fifteen (15) days prior to the date of the public hearing. Signs require a thirty dollar (\$30.00) deposit, posted at the Planning Department.
 - b. The signs shall be displayed within ten (10) feet of the property line.

- c. The signs shall be posted along the frontage abutting any street at an interval of one hundred (100) feet.
 - d. Properties with less than two hundred (200) feet street frontage shall be posted with at least one (1) sign along the frontage abutting each street.
 - e. 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 conclusion of the Board of Adjustment meeting if an appeal over the Board of Adjustment decision concerning the expansion or change of a non-conforming use is made by the applicant. Subject signs shall be removed from the property by the applicant within five (5) days of the concluding action.
 - f. 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 Board of Adjustment agenda item until such time full compliance with posting procedure is achieved.
3. The change or expansion of non-conforming use, as presented or modified by the action following the public hearing, shall be voted on by the Board of Adjustment.

10.2.3 Cessation of Non-Conforming Use

A lawful non-conforming use of a building or structure, or land that has been voluntarily discontinued for a period of six (6) calendar months shall not thereafter be resumed. Whenever a non-conforming use has been changed to a conforming one, such use shall not thereafter be changed to a non-conforming use. When a residential structure is rezoned for commercial use, and if it has been continuously occupied as a residence at the time of the re-zoning, the above paragraph shall apply. A resident may be permitted to live there for up to two (2) years with permission of Planning Commission.

10.2.4 Replacement of Damaged or Destroyed Non-Conforming Use

With exceptions, any non-conforming building or structure damaged by fire, flood, explosion, wind, earthquake 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 non-conforming building can be restored or reconstructed to achieve conformity, i.e., meet minimum yard or height requirements of this ordinance, the owner/builder is encouraged to achieve conformity.
2. If the nature of the non-conformity 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.
3. Mobile homes destroyed by fire, flood, explosion, wind, earthquakes, or other calamity or act of natural consequences shall be governed by Ordinance No. 645.

10.3 Off-Street Loading

Every building or structure hereafter constructed in any district for non-residential purposes, requiring the receipt of distribution by vehicles of material or merchandise shall provide and maintain on the same lot with such building at least one (1) off-street loading space for the first five thousand (5,000) square feet, or fraction thereof, of gross floor area, and one (1) additional such space for each ten thousand (10,000) square feet or major fraction thereof of gross floor area in excess of five thousand (5,000) square feet.

Each loading space shall not be less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height. An access drive not less than ten (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 twenty-five (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 (6) feet in height.

10.4 Fences and Screens

10.4.1 Residential

The City of Sherwood 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 street 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 the Residential District shall be made by the owner or agent of said lot or lots to the Planning and Permits Department, City of Sherwood. The application shall indicate in writing or by graphic means the location, height, materials and construction method of the proposed fence. The maximum height allowed for fences in residential districts is eight (8) feet.

Any fence or screen constructed must not extend beyond the front building line on any lot including corner lots. Any fence or screen proposed for construction in a side yard facing a street or corner lot shall be subject to a finding by the City Engineer as follows:

The City Engineer 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 City Engineer that the proposed fence does not violate the stated concerns of the City of Sherwood the permit shall be issued.

If a permit is denied based on the applicant's proposal, the applicant may appeal the Engineer's decision to the Planning Commission for a hearing and recommendation to the Sherwood City Council. An appeal from the City Council's decision may be made by the applicant to a court of record.

10.4.2 Commercial, Office and Industrial

See appropriate Sections 5.2.2.D; 5.3.2.D; 5.4.1.B; 5.5.1.B; 6.2.4; 6.3.5; 7.1.B.3

10.5 Off-Street Parking Space Requirements

The duty to provide and maintain the off-street parking space herein required shall be joint and several responsibility of the operator and owner of the use and the operator and owner of the land on which, or the structures in which is located the use or uses for which off-street parking space is required to be provided and maintained. 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, stripped and maintained in the manner herein set forth; provided, however, that where off-street parking space is not provided nor maintained for land, structures or uses actually used, occupied and operated on the effective date of this ordinance it shall not be required under this ordinance. From the effective date of this ordinance, if such land, structures or uses are enlarged, expanded or changed there shall be provided for the increment only of such land, structures and uses enlarged, expanded or changed and maintained as herein required, at least, the amount of off-street parking space that would be required here under if the increment were a separate land, structure or use. However, where a lot with an existing structure is cleared and a new structure is erected thereon, there shall be provided and maintained off-street parking space as required herein. Parking space and access for the handicapped shall be provided in accordance with Arkansas State Laws Act 907 or 1985 concerning handicapped parking.

10.5.1 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 (1) or several separated parcels, unless otherwise provided for herein.

10.5.2 Separate or Combined Space

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

- A. 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.
- B. 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.

10.5.3 Special Location or Sharing of Same Off-Street Parking Space

10.5.3.1 Purpose of Procedure

Under the standard provisions of this ordinance off-street parking space is required to be located on the same lot as the use for which the space is provided. Also, each use is required to provide an individual amount of space. Pursuant to the procedure hereinafter set forth, either part or all of required off-street parking space may be located off the lot of the use for which the space is provided. Also, two (2) or more uses may share the same off-street parking space and each of such uses may be considered as having provided such shared space individually.

10.5.3.2 Limitations on Procedure

10.5.3.2.1 Location Separated From Use

In the R-1, R-2, R-3 and R-4, off-street parking space for residential uses shall be located no farther from the lot of the use from which provided than on a land area adjacent to such lot. In all other districts off-street parking space shall be located no farther from the lot of the use which provided than four hundred (400) feet unless otherwise specified herein, such distance to be measured by a straight line from the nearest point of the separated off-street parking space.

10.5.3.2.2 Sharing of Same Off-Street Parking Space

No use shall be considered as individually having provided off-street parking space which is shared with one (1) or more uses unless the schedules of operation of all such uses are such that none of the uses sharing the space require the off-street parking space at the same time as any other use sharing the space.

10.5.3.2.3 Application for Approval-How Made and Contents

All applications for approval of a special plan hereunder shall be filed with the Planning Commission by the owner or owners of the entire land area to be included within the special plan, the owner or owners of all structures then existing on said land area and all incumbrancers of said land area and

structures; shall contain sufficient evidence to establish to the satisfaction of the commission that the applicants are the owners and incumbrancers of the designated land and structures; shall contain such information and representations required by this ordinance or deemed necessary by the commission and shall include plans showing the following details:

- A. The location of the uses or structures for which off-street parking space is required.
- B. The location at which the off-street parking space is to be located.
- C. A complete plan of the parking area showing parking spaces, driving lanes, access and egress locations and landscaped areas.

10.5.3.2.4 Review of Applications for Approval

All applications hereunder shall be reviewed by the Planning Commission and either approved or disapproved within a period of forty-five (45) days from the date of submission. Any approval hereunder may establish necessary conditions and limitations.

10.5.3.2.5 Approved Plan Registered and Recorded

Upon approval of special plan hereunder, a copy of such plan shall be registered among the records of the Planning Commission. An as-built copy of such plan shall be also registered with the Planning Commission and a copy of such plan, or such other records thereof as deemed proper by the commission, shall be recorded by the owners in the office of the county recorder.

10.5.3.2.6 Effect of Registered and Recorded Special Plans

All special plans registered and recorded hereunder shall be binding upon the applicants for such special plans, their successors and assigns, shall limit and control the issuance and validity of all zoning permits and shall restrict and limit the use and operations of all land and structures included within such special plans

to all conditions and limitations specified in such plans and the approval thereof.

10.5.3.2.7 Amendment of Registered and Recorded Special Plans

All special plans registered and recorded hereunder may be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were approved, registered and recorded.

10.5.3.2.8 Withdrawal of Registered and Recorded Special Plans

Upon application to the Planning Commission by the owner or owners of the entire land area included within any special plan registered and recorded hereunder, the owner or owners of any structures then existing thereon and all incumbrancers of said land and structures, any such plan may be withdrawn, either partially or completely, from registration and released from recording if all uses, land and structures remaining under such plan can be made to comply with all conditions and limitations of the plan and all uses, land and structures withdrawn from such plan can be made to comply with all regulations established by this ordinance and unrelated to any special plan. Upon approval of an application hereunder, the Planning Commission shall register among its records, and the owner shall record in the office of the county recorder and appropriate certificate of such withdrawal.

10.5.4 Amount of Off-Street Parking Space Required

At least the following amount of off-street parking space shall be provided plus an area or means adequate for ingress and egress which shall not be included in the computation of the parking area, except single family residences may utilize the areas of ingress and egress up to and equaling fifty (50) percent of the required parking area in computation of the total parking area. The following classifications of uses shall be deemed to include and apply to all uses and if for any reason the classification of any use for the purpose of determining the amount of off-street parking space to be provided by such use is not readily determinable hereunder the classification of the use shall be fixed by the Planning Commission.

10.5.5 Requirements

A. PARKING TYPE I

Single Family Residence – One (1) space when less than twelve hundred (1,200) square feet. Two (2) spaces when greater than twelve hundred (1,200) square feet.

B. PARKING TYPE II

1. Residential Uses

- a. Two (2) Family Dwelling - One and half (1.5) spaces per unit.
- b. Rooming Houses, Dormitories, Fraternities and establishments - One (1) space per sleeping accommodation.
- c. Hotels and Motels – One (1) space per guest room, plus an additional ten (10) percent of the total of all parking spaces required for developments larger than twenty (20) rooms for employees and non-guest users patronizing meeting rooms, restaurants and other facilities.
- d. Multi-Family – One and half (1.5) spaces per unit.
- e. Mobile Homes – Two (2) per mobile home space.
- f. Mobile Home Park Community Building – One (1) per ten (10) mobile home spaces.
- g. Mobile Home Park Visitor Parking – One (1) per five (5) mobile home spaces located no further than four hundred (400) feet from the mobile home spaces to be served.

2. Schools and Institutions

- a. Elementary – One (1) per employee stacking space for drop-off and pick-up shall be required on the site.

- b. Secondary (Grade 7-12) – Six (6) spaces per classroom stacking space for buses and autos shall be required on the site.
- c. Libraries – Ten (10) plus one (1) for each two hundred (200) square feet over one thousand (1,000).

C. PARKING TYPE III

1. Residential Uses

Elderly Housing – half (0.5) spaces per unit

2. Office and Institutional

- a. Churches – For the seating capacity in the principal room or hall, one (1) for each five (5) seats.
- b. Lodge Halls, Exhibition Halls, Clubs (and similar places of public assembly) - One (1) space per one hundred (100) square feet of gross floor area, if without fixed seats, and one (1) for each five (5) seats if with fixed seats.
- c. Public tennis courts and private tennis clubs – Two (2) per court, plus one (1) each two hundred (200) square feet of clubhouse floor area in excess of one thousand (1,000) square feet.

D. PARKING TYPE IV

1. Office and Institutional

- a. Hospitals, general – One (1) per one and half (1.5) beds
- b. Hospitals, extended care – One (1) per two (2) beds
- c. Hospitals, convalescent (or nursing home) – One (1) per five (5) beds

2. Schools and Institutions

Nursery, Kindergarten and Day Care Centers – One (1) space per employee plus on-site loading and unloading spaces to be required at a rate of one (1) for each ten (10) children accommodated.

3. Commercial Uses

Restaurants Parking: One (1) space for each four (4) seats or one (1) space for each fifty (50) feet of seating area where there are no fixed seats, plus one (1) space per employee and an on-site queue line for at least eight (8) vehicles when drive-through is included.

4. Entertainment and Recreation

- a. Theaters, auditoriums and sports arenas or stadia, including school auditoriums and stadia – For all fixed seating capacity, one (1) for each four (4) seats; theaters in shopping centers, one (1) per eight and half (8.5) seats.**
- b. Dance halls and exhibition halls, without fixed seats for floor area devoted to public assembly of activity – One (1) for each one hundred (100) square feet floor area devoted to the principal activity.**
- c. Billiard and poolrooms – Two (2) per table**
- d. Bowling alleys – Three (3) for each alley except when in a shopping center which includes a supermarket, when it shall be two (2) per alley.**
- e. Golf courses – Four (4) per hole, plus required spaces for restaurants and cocktail lounges.**
- f. Health spas and gymnasium – Ten (10) plus one (1) for each two hundred (200) square feet floor area in excess of one thousand (1,000).**
- g. Public swimming pools and private swim clubs – twenty (20) per pool (not including**

wading pools or whirlpool baths), plus one (1) for each two hundred (200) square feet of cabana floor area in excess of one thousand (1,000) square feet, except where membership is restricted to the immediate neighborhood, a minimum of five (5) parking spaces shall be provided.

- h. Skating rinks – One (1) for each two hundred (200) square feet of floor area devoted to the principal activity.

E. PARKING TYPE V

1. Office and Institutional

- a. Finance, savings and loan institutions, insurance, real estate, business, professional and other office (except those otherwise designated herein) – zero (0) to twenty thousand (20,000) square feet floor area, one (1) for each three hundred (300) square feet floor area, plus one (1) for each five hundred (500) square feet floor area in excess of twenty thousand (20,000) square feet.
- b. Banks (commercial) – One (1) for each two hundred (200) square feet.
- c. Medical and dental offices and clinics – One (1) for each two hundred (200) square feet floor area.
- d. Veterinarians, animal and veterinary hospitals – One (1) for each two hundred and fifty (250) square feet of floor area exclusive of boarding areas.
- e. College or university – One (1) per three (3) student classroom seats.
- f. Trade, vocational and business school, not otherwise listed – One (1) per employee, plus one (1) per three (3) student classroom seats.

- g. Dance schools other than ballrooms – Five (5) plus one (1) for each one hundred and fifty (150) square feet of dance floor area over five hundred (500) square feet.
- h. Beauty culture schools – Three (3), plus one (1) for each operator station.
- i. Drive-in commercial facilities (banks, restaurants and similar uses) – shall provide not less than three (3) holding or stacking spaces for each service window.

F. PARKING TYPE VI

1. Trade

- a. Retail stores and personal services not listed elsewhere – zero (0) to three thousand (3,000) square feet floor area, five (5); three thousand (3,000) to five thousand (5,000) square feet floor area, five (5), plus one (1) for each five hundred (500) square feet floor area in excess of three thousand (3,000) square feet; in excess of five thousand (5,000) square feet floor area, ten (10), plus one (1) for each two hundred and fifty (250) square feet floor area in excess of five thousand (5,000) square feet.
- b. Retail furniture and appliance stores; retail machinery and equipment sales; motor vehicle sales area devoted to retail, office, service or display of goods, five (5), plus one (1) for each eight hundred (800) square feet floor area in excess of three thousand (3,000) square feet.
- c. Building materials sales where lumber is sold – ten (10), plus one (1) for each one hundred and twenty (120) square feet sales area devoted to hardware and paint items in excess of one thousand (1,000) square feet, and one (1) per seven hundred and fifty (750) square feet of warehouse area open to public.

- d. Service stations – A minimum of five (5), of which at least one (1) must be large enough to accommodate a towing vehicle.
- e. Drive-in restaurants – A minimum of twenty-five (25)
- f. Agricultural and commercial nurseries – ten (10), plus one (1) for each one hundred and fifty (150) square feet inside sales area over one thousand (1,000) square feet, and one (1) per two thousand (2,000) square feet outside area open to public.

2. Personal Services

- a. Self-service laundry and dry cleaning – one (1) for each three (3) machines.
- b. Dry cleaning pickup – three (3), plus one (1) for each five hundred (500) square feet over one thousand (1,000).
- c. Repair services, wearing apparel, motor vehicle, appliance and furniture – five (5) plus one (1) for each eight hundred (800) square feet floor area in excess of three thousand (3,000) square feet.
- d. Barber, beauty shops and similar uses – one (1) space for each two hundred (200) square feet of gross building area.
- e. Food store, supermarkets and convenience type grocery stores – four (4) spaces plus one (1) space for each three hundred (300) square feet of gross floor area, exclusive of storage area.

G. PARKING TYPE VII

1. Manufacturing Uses

- a. Manufacturing, warehouses and similar uses one (1) for each two hundred (200) square feet of office area and one (1) space per two thousand (2,000) square feet of gross floor area up to fifty thousand (50,000) square feet, then in addition to the above requirement, one (1) space per ten thousand (10,000) square feet or portion thereof.
 - b. Corporation yard – three (3), plus one (1) for each twenty thousand (20,000) square feet of yard area over forty thousand (40,000).
2. Laboratories, when a primary use – four (4), plus one (1) for each three hundred (300) square feet in excess of one thousand (1,000) square feet.
 3. Car washes – two and half (2.5) for each wash bay.

H. PARKING TYPE VIII

Wholesale trade – one (1) for each two hundred and fifty (250) square feet of office area, and one (1) space per two thousand (2,000) square feet of gross floor area up to fifty thousand (50,000) square feet, then, in addition to the above requirement, one (1) space per ten thousand (10,000) square feet above fifty thousand (50,000) square feet or portion thereof.

ADDITIONAL PARKING REQUIREMENTS

Shopping center – one (1) for each two hundred and fifty (250) square feet of gross leasable area exclusive to bowling alleys, movie theaters and skating rinks.

10.6 Off-Street Loading Requirements

10.6.1 Scope of Regulations

The regulations herein set forth shall apply and govern in all districts; provided, however, that in the R-1, R-2, R-3, R-4, O-1 and C-1 district these regulations shall apply and govern only those structures in which are

operated a use or uses, which use or uses, pursuant to the provisions of Section 10.5 off-street parking requirements, are required to provide and maintain more than eight hundred (800) square feet of off-street parking space.

10.6.2 Duty to Provide Off-Street Loading Space

The duty to provide the off-street loading space herein required shall be the joint responsibility of the operator and owner of the structure or structures for which off-street loading space is required to be provided. No structure shall be designed, erected, altered, used or occupied unless the off-street loading space herein required is provided in at least the amount herein set forth; provided, however, that where off-street loading space is not provided for in structures actually uses, occupied and operated on the effective date of this ordinance it shall not be required under this ordinance after the effective date of the ordinance; if such structures are enlarged or expanded, or the uses within such structures are enlarged, expanded or changed, there shall be provided for the increment only of such structures enlarged, expanded or changed and maintained as herein required, at least the amount of off-street loading space that would be required hereunder if the increment were a separate structure. However, where a lot with an existing structure is cleared and a new structure erected therein, there shall be provided and maintained the off-street loading space required herein.

10.6.3 Location of Off-Street Loading Space

Off-street loading space shall be located on the same lot as the structure for which provided.

10.6.4 Amount of Off-Street Loading Space Required

At least the following amounts of off-street loading space shall be provided, plus an area or means adequate for ingress and egress.

10.6.4.1 For structures containing less than twenty-five thousand (25,000) square feet of gross floor area, one (1) berth for each twelve thousand five hundred (12,500) square feet of gross floor area or increment thereof. Each such berth shall have a net of not less than one hundred sixty (160) square feet.

10.6.4.2 For structures containing twenty-five thousand (25,000) or more square feet of gross floor area, the number of berths are specified in the following table. Each such berth shall

be at least ten (10) feet wide, thirty-five (35) feet long and fifteen (15) feet high:

Square feet of Gross Floor Area Required	No. of Berths
10,000 up to and including 40,000	1
40,001 up to and including 100,000	2
100,001 up to and including 160,000	3
160,001 up to and including 240,000	4
240,001 up to and including 320,000	5
320,001 up to and including 400,000	6
For each additional 90,000 over 400,000	1 additional

10.7 Rear Dwellings

No building in the rear of a principal building on the same lot shall be used for residential purposes.

SECTION 11. SPECIAL PROVISIONS

11.1 General

Subsections 11.2 through 11.5 describe the special conditions under which certain uses are permitted in a zoning district.

11.2 Flammable Liquids and Gases, Storage of:

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

11.3 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:

1. 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
2. No commodity sold upon the premises, except that which is prepared, repaired or altered on the premises; and
3. No person employed other than a member of the immediate family residing on the premises; and
4. 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 unless such equipment shall be used to produce and sell regularly, as compared to occasionally, products of any description or in connection with the sale of the services of a operator of such equipment. The presence on the premises of not more than two (2) of any particular items of such mechanical equipment shall not alone be deemed to constitute equipment of a type other than normally used for purely domestic or household purposes.

Home occupations shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession.

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 shall be consistent with the schedule established for such business in a commercial zone. The City Building Inspector 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.

11.4 Camping or Vacation Trailers

A camping or vacation trailer may be stored in the rear yard of any lot, provided that no living quarters be maintained or any business be conducted in connection therewith while such trailer is so parked or stored. See Ordinance No. 462, amended by Ordinance No. 1605.

11.5 Signs and Sign Structures, Including Billboards

11.5.1 General

Refer to Ordinance Number 603 & 1105 for specific regulations.

11.6 Conditional Use Review

11.6.1 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. The Planning Commission shall hear and recommend, in accordance with provisions of this Ordinance, each individual request for conditional use permits. Only 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.

11.6.2 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 Permits and Planning Office, which

will collect the one hundred fifty dollars (\$150.00) filing fee and process all applicable surveys, site plans and other supporting information pertinent to this review process.

11.6.3 Submission Requirements

The submission requirements for a conditional use shall be the same as for the rezoning of any lot, parcel or tract of land. In addition, such application shall include a generalized graphic representation of what is proposed, including screening, landscaping, parking access and location of buildings. A general statement as to the intent of the use shall also be submitted.

11.6.4 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 Districts. Such uses may only be placed within the City of Sherwood as Conditional Uses. They are:

1. Utility storage yard
2. Utility substation
3. Water/sewage treatment plant or related ancillary facilities

11.6.5 Site Plan Review

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

11.6.6 Planning Commission and City Council

1. The Planning Commission shall review conditional use applications at its regularly scheduled monthly meeting, 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 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 ordinance.

3. In no case shall the Planning Commission or City Council authorize reduction from minimum requirements of the ordinance relating to area, parking, landscaping or screening.

11.6.7 Development Standards and Review Guidelines

In carrying out the purpose of this section, the following development standards and design specifications shall be subject to 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.

1. The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.
2. The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
3. The proposed use is within the provision of “conditional uses” as set out in this ordinance.
4. The proposed use conforms to all applicable provisions of this ordinance for the district in which it is to be located, and the use facilities public convenience at that location.
5. The size and shape of the site, including the size, shape, and arrangement of proposed structures is in keeping with the intent of the ordinance.
6. The internal street system, ingress and egress proposed off-street parking, loading and pedestrian ways are sufficiently adequate.
7. Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.
8. Proposed landscaping and screening is in accordance with the judgment of the Planning Commission and City Council.
9. Open space screening and fencing will be maintained by owner/developer.

10. Proposed signage will in accordance with Ordinance No. 603 (as amended by Ordinance No. 1105).

11.6.8 Conditions

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 sixty (60) days. No conditional use authorized by the Planning Commission or City Council shall be subsequently submitted to the 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.

11.6.9 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.

11.7 Site Plan Review

11.7.1 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, areas of dwelling units 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.

11.7.2 Applicable Districts

The site plan review process shall apply to all applications for the following zoning uses and districts:

1. "OS" – Open Space
2. "R-2" – Zero Lot Line, Townhouse or Rowhouse Development
3. "R-3" – Multi-Family Dwellings
4. "C-1" – Shopping Center Arrangement
5. "C-2" – Shopping Center District
6. "C-3" – General Commercial
7. "C-4" – Highway and Open Display
8. "C-CS" – Shopping Center District
9. "I-1" – Industrial Park Arrangement
10. "O-1" – Special Purpose Office
11. "O-2" – General Office
12. Zoning Districts with any conditional use for any zoning classification.
13. Non-conforming Use, which includes changes, expansions, etc.

11.7.3 Procedure and Authority

1. The procedure for the zoning of property to one of the above classifications or permit for use shall be the same as for any other zoning application. The Planning Commission may outline special perimeters or special concerns which will apply to the Site Plan when such are identified through the zoning process.

2. The Site Plan Review process occurs when a building permit is requested. The Planning Commission shall review site plans prior to the issuance of a building permit. At that time, the plan will be assessed for compatibility with standards and criteria provided herein. Public hearing of a site plan proposal shall take place at regularly scheduled monthly meetings at which time interested persons may appear and offer information in support of or against the proposed site plan. The Planning Commission at 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.
3. 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. Such revised site plans shall have priority over new applications in the review process. The Planning Commission may deny a site plan and recommend reducing the zoning classification on any parcel which is required a site plan if it does not carry out the general purpose of this section.

11.7.4 Initiation

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

11.7.5 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 to the City of Sherwood. If available, a general graphic representation of what is proposed may be submitted showing the following:

- a. Approximate location of buildings
- b. Approximate location of parking
- c. Approximate location of landscaping
- d. Approximate location of ingress and egress

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:
 1. Graphic scale
 2. Proposed lot lines
 3. Existing and proposed vehicular and pedestrian circulation systems including streets, alleys, walkways, service areas and loading areas, the location and arrangement of off-street parking areas and all points of vehicular ingress and egress.
 4. Proposed perimeter treatment of the property, indicating screening materials to be used including fences, walls and plant materials together with a description of uses, setbacks and their proposed development's relationship to surrounding areas.
 5. Schematic landscape plan showing proposed treatment of the areas designated as either buffers or private common open space.
 6. Location and dimension of all existing and proposed utility drainage, and street easements within the site.
 7. Proposed location of structures and structural dimensions, dimension distances between buildings, and distances from structures to property lines.
- b. A topographical cross section map of the site and the location of the one hundred (100) year flood elevation if involved on the parcel of land.
- c. Quantitative data including the following information:

1. Proposed building coverage of principal and accessory buildings.
 2. Parcel size
 3. Proposed floor area of principal and accessory buildings.
 4. 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.

11.7.6 Standards for Site Plan Disapproval

The Planning Commission shall not disapprove an application for a site plan except on the basis of findings directed to one (1) or more specified particular of the following standards:

1. The proposed site plan is incomplete or contains or reveals violations of the Ordinance or applicable district regulations which the applicant has, after written request, failed or refused to supply or correct.
2. 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.
3. The proposed site plan does not comply with the minimum screening and landscaping requirements of the City of Sherwood.
4. The proposed site plan interferes unnecessarily with easement, roadways, utilities and other public or private rights-of-way.
5. The proposed pedestrian and vehicular circulation systems incorporated in the site plan subsequently create hazards to safety on or off the site.
6. The proposed site plan does not conform to the minimum drainage requirements found in the Subdivision Ordinance.
7. The proposed site plan violates the basic intent of this Ordinance or does not comply with those conditions which were stipulated at the time of rezoning.

11.7.7 Effect of Approval

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 Enforcement Officer may approve such minor changes in the site plan as will not cause any of the following circumstances to occur:

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

Whenever the individual responsible for reviewing building permits finds that any proposed construction or occupancy will not, in their opinion, comply with the approved site plan, they shall refer the question to the Planning Commission for their review.

11.7.8 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.

11.7.9 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 Council.

SECTION 12. BOARD OF ZONING ADJUSTMENT

12.1 Creation and Election

The Board of Zoning Adjustment, created by Ordinance Number 653, consists of five (5) members who are the members of the Sherwood Planning Commission and their successors. Ordinance Number 653 provides that the Sherwood Planning Commission members are "elected" by the City Council of the City of Sherwood by a majority vote of said council.

12.2 Organization

A chairman, vice-chairman and secretary shall be annually elected by the Board members. The duties of the chairman shall be preside at all meetings, decide points of order, administer oath and compel the attendance of witnesses. The vice-chairman shall rule in the absence of the chairman.

The Board shall meet a minimum of once each calendar quarter, but meetings may be called at any time, at such places in the City as the chairman may designate, and shall be open to the public. Minutes of all proceedings shall be maintained and shall be on public record in the office of the City Clerk. The presence of at least three (3) members shall be necessary to constitute a quorum, and the concurring vote of at least three (3) members shall be necessary to make official any action by the Board.

12.3 Powers and Duties of the Board

The Board of Zoning Adjustment shall have all of the powers and duties prescribed by law and these regulations, which are more particularly described as follows:

12.3.1 Appeals

Hear and decide appeals from the decision of the enforcement officer of these regulations where it is alleged there is an error of law in any order, requirement, decision, or determination made by said enforcement officers. The Board may affirm or reverse in whole or in part the decision of the enforcement officer.

12.3.2 Variances

Hear and decide requests for variances from the literal provisions of these regulations in instances where strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration. The Board shall not permit as a variance any use in any zoning district that is not a permitted use in such district. A variance may be granted in the following instances only:

Where by reason of exceptional narrowness, shallowness, depth or shape or other extraordinary situation or condition of a specific piece of property of record on the date of the passage of these regulations where the strict application of any provision of these regulations would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property.

The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property

12.3.3 Other Powers

In addition to the powers and duties specified above, the Board shall also have the powers and duties to hold public hearings and decide the following special exceptions:

1. Permit the extensions of a zoning district boundary where such boundary divides a lot under single ownership at the time of adoption of these regulations.
2. Interpret zoning district boundaries where uncertainty exists.
3. Permit the extension of a non-conforming use.
4. Classify a land use where such use is not so done in these regulations for the purpose of determining the amount of off-street parking space to be provided.
5. Permit exceptions to maximum height regulations.

12.4 Procedure for Appeals to the Board

12.4.1 Application and Public Hearing

Appeals may be taken to the Board by any person affected by a decision of the enforcement officers of these regulations. All appeals shall be made in

writing and files 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 (7) days preceding the date of such hearing, in a newspaper of general circulation in Sherwood. 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 of appeal from the planning department, City of Sherwood and shall display said signs in the manner prescribed in Section 14.2 (2) of this ordinance with the exception that said signs shall be posted at least seven (7) days preceding the date of the public hearing for the variances or appeal.

12.4.2 Fee

The fee for any appeal to the Board of Zoning Adjustment shall be fifty (\$50.00) dollars, no part of which shall be refundable. The Secretary of the Board shall deposit with the City Clerk all fees collected.

12.5 Appeals to the Court

All decisions of the Board of Zoning Adjustment shall be subject to appeal only to a court of record having jurisdiction.

SECTION 13. ENFORCEMENT AND PENALTY FOR VIOLATION

13.1 Enforcement Officer (s)

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

The City of Sherwood 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.

13.2 Building Permit

13.2.1 Permit Required

After the effective date of these regulations, a 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 alternation of any building within the City limits of Sherwood.

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. All applications shall be accompanied by a plan duplicate drawn to scale and showing actual dimensions of the lot, building size, and its location on the lot, and such other information as may be necessary. A record of such application and plats shall be kept in the office of the City Clerk.

13.2.2 Fee

See Ordinance No. 1599 Stating Building Permits Fees.

13.3 Penalty for Violation

Violations of any provisions of these regulations shall be deemed a misdemeanor and upon conviction thereof, a person, firm or corporation will be subject to penalties of not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars. Each day a violation shall occur shall be deemed a separate offense.

13.4 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 building official. 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.

13.4.1 Procedure

1. Application

A Certificate of Occupancy shall be applied for coincident with the application for a building permit.

2. Action on Application

The Enforcement Officer shall inspect the property which is the subject of an application within a reasonable time, 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 Sherwood. If the premises do not comply, the 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. It may also be used for a transient use which, due to its nature, is not required to comply with permanent construction regulations. 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 14. 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.

14.1 Application for Amendment

An application for amendment may be initiated by the City Council, the Planning Commission or by one (1) or more owners or lessees of land affected by a proposed amendment. Such application must be filed with the Secretary of the Planning Commission seven (7) or more days prior to the date of the next regularly scheduled Planning Commission meeting. At the meeting the Planning Commission will set the date for a public hearing on the proposed amendment.

14.2 Procedure for Amendment

Upon filing an application for amendment with the Secretary of the Planning Commission, these regulations may be amended by the following procedure:

1. The Planning Commission shall hold a public hearing on the proposed amendment not less than fifteen (15) days after notice of such hearing has been published in a newspaper of general circulation in Sherwood. The notice shall give the time and place of the hearing and the proposed change. The applicant shall inform all owners of land, by certified letter, names to be taken from a bonded abstract company, return receipt requested, which lies within three hundred (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 mayor of Sherwood at least five (5) days prior to the public hearing.
2. The applicant shall procure signs from the planning department, City of Sherwood, for the purpose of posting the property proposed for a change in zoning.
 - a. The signs will be displayed on the property on a post or other suitable standard not less than fifteen (15) days prior to the date of the public hearing.
 - b. The sign shall be displayed to be prominent and in full view of the passing motorist and pedestrians.
 - c. The signs shall be posted along the frontage abutting any street at an interval of one hundred (100) feet.

- d. Properties with less than two hundred (200) feet street frontage shall be posted with at least one (1) sign along the frontage abutting each street.
 - e. 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 conclusion of the City Council meeting if an appeal over the Planning Commission decision concerning the change is made by the applicant. Subject signs shall be removed from the property by the applicant within five (5) days of the concluding action.
 - f. Failure to post the required signs or to maintain the signs resulting in the property not being properly posted for three (3) days out of the required time may result in a postponement of the public hearing or City Council agenda item until such time full compliance with posting procedure is achieved.
- 3. The amendment, as presented or modified by the action following the public hearing, shall be voted on by the Planning Commission.
 - 4. Following such vote, the Planning Commission shall certify its recommendations to the City Council.
 - 5. The City Council may return the proposed amendment to the Planning Commission for further study, or by majority vote adopt by ordinance the proposal as submitted by the Planning Commission.
 - 6. If the Planning Commission disapproves the proposed amendment, the proponent may appeal to the City Council, which shall review the action and may approve the proposed amendment only by not less than three-fourths (3/4) vote of all the members. Such appeal shall be made via the City Clerk, who shall transmit one (1) copy to the Planning Commission, which will prepare and transmit a report to the City Council, stating why the proposed amendment was disapproved.
 - 7. Should the proposal be adopted by the City Council, the amendment ordinance shall be filed with the office of the City Clerk.

14.3 Fee

The application fee for an amendment to these regulations shall be one hundred fifty (\$150.00) dollars for each piece of property submitted in the application, not of which is refundable.

14.4 Resubmission of Application

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

INTERPRETATIONS AND DEFINITIONS

SECTION 15. INTERPRETATIONS

The provisions of this ordinance shall be held to be minimum requirements to meet the purpose expressed in Section 1.1 Purpose. Where the provisions of this ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this ordinance shall prevail. Where the provisions of any other ordinance or local regulation impose greater restrictions than those of this ordinance, the provisions of such other ordinance or local regulation shall prevail. When referring to this ordinance, 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 ordinance 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 Section 11.6 Conditional Use Review of this Ordinance.
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 Sherwood, Arkansas.

11. All public officials, bodies and agencies to which reference is made are those of the City of Sherwood, 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 16. 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.

16.1 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 areas, 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 on his behalf.

Attached Uncovered Decks in a Residential Zone: All attached uncovered decks shall not be considered a part of the principal building structure in regard to rear yard setback building line requirements of twenty-five feet. Attached uncovered decks shall be required to meet rear yard setbacks of fifteen feet. The side yard setback requirement shall meet the same criteria as the side yard setback for the principal building. An attached uncovered deck shall not be built on an easement.

Attached Covered Decks in a Residential Zone: All attached decks with a roof shall be considered a part of the principal structure and shall comply with the twenty-five foot rear yard setback requirement. When covering an existing

attached deck, the setbacks shall be enforced as with the principal structure or a variance shall be required.

Auto Repair Garage: A building designed and used for the maintenance, servicing and repair of motor vehicles, including both minor or major mechanical overhauling, as their primary activity (motor fuel sales are listed under service stations).

Basement: A story partly underground and having at least one-half its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.

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 and a commercial zone.

Building 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 Façade: 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 furnished 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 Non-Conforming: 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 Sherwood, Arkansas.

Commission: The Sherwood 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 and City Council as outlined in Article 11.6 of this Ordinance.

Corner Lot: A lot located at the intersection of two streets not sharing the common center line.

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: A dwelling designed for or occupied by more than two families.

Dwelling Single Family Detached: A dwelling designed for and occupied by not more than one family. A Dwelling, Single Family detaches, shall not be construed to be a Manufactured Home. A definition of Manufactured Home is provided in alphabetical order in this Definition section. The following types of structures may be construed to be Dwellings, Single Family Detached.

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

Dwelling Two Family: A building designed for and occupied by not more than two 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.

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

Enforcement Officer: A person in the permits and planning office designated to review site plans, interpret the zoning map.

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.

Flood 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: Multi-family dwellings that generally are rental property, The variety of apartment designs and siting is tremendous and the stereotype plans of many earlier apartment projects are being rejected in favor of more livable and interesting groups. The most pronounced characteristic of garden

apartments is the attention given to landscaping. A lake or park or both are often made the focal point of the development. In addition, there is generally a full component of recreational facilities, both indoors and outdoors. There has been a high propensity in recent times to convert garden apartments to condominium ownership.

Home Occupation: 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, and in connection with which there is no display, no stock-in-trade, no outside storage of equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupations. Such uses as tearoom, tourist home, animal hospital and dancing school shall not be deemed to be home occupations.

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 Sherwood, Arkansas.

Lot Area: The total horizontal area included within the lot.

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

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot and the midpoint of 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 such lot from such street; in the case of a double frontage lot or a corner lot, the front lot line shall abut the street with the highest classification. If streets are of equal classification, the more narrow lot line shall be designated as the front. If the proper front lot line cannot be determined according to the above requirements, the city engineer shall determine the 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 Home (Class A): A dwelling unit fabricated on or after June 15, 1976, at a site other than the site intended for occupancy and transported to the site intended for occupancy in two (2) sections and (a) designed for full-time occupancy, containing sleeping accommodations, flush toilet, tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to interior system, (b) having a minimum 3/12 pitched roof and assembled on a permanent foundation or solid foundation wall, (c) the unit shall bear a seal certifying that it is built in compliance with the federal Manufactured Housing and Safety Standards Code, (d) have a minimum nine hundred fifty (950) square feet of heated or cooled floor area.

Manufactured Home (Class B): A dwelling unit fabricated on or after June 15, 1976, at a site other than the site intended for occupancy and transported to the site for occupancy and (a) designed for full-time occupancy, containing sleeping accommodations, flush toilet, tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to exterior systems; (b) the unit shall bear a seal certifying that it is built in compliance with the Federal Manufactured Housing and Safety Standards Code; (c) have a minimum heated and cooled floor area of seven hundred twenty (720) square feet.

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 undiscernibly 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 developments.

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 ordinance.

Paved Driveways for Residential Lots: A paved driveway for all new residential homes or improvements that are more than 50% of the appraised value of the principal structure are required. The building criteria shall be a minimum width of eight (8) feet and a depth of not less than five (5) inches of 3,500 psi concrete paving or four (4) inches of compacted Class 7 base with two (2) inches of hot mix asphalt concrete. Alternative methods of permanent driveway surfaces shall have the approval of the City Engineer. All curb cuts on existing curb and gutters shall be saw cut and removed in a neat and orderly fashion to protect the long term integrity of the curbs and new driveway. The paved driveway shall begin at the street edge of pavement or curb and gutter section and connect at garage or carport. If there is not a garage or carport for the paved driveway; then the minimum length of the driveway shall be twenty-five (25) feet to allow the parking of two vehicles.

Pipe Stem Lots: Pipe stem lots shall have a minimum lot width of twenty feet at the street frontage. The building setback lines shall include a minimum width of sixty feet for the front building line while the rear setback line shall be twenty-five feet and the side yard setbacks shall be calculated as described by ordinance. Pipe stem lots with frontage less than sixty feet at the street shall be responsible for access available for emergency services; responsible for providing sanitation cans at the street as well as other household waste and yard waste. Each house within pipe stem lots shall comply with the driveway regulations.

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 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 or 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 facilities to alter landforms.

Pre-Fabricated Home Panelized: A detached single family dwelling that is constructed in component parts such as assembled walls, trusses, joists, and the like, at a site other than the site intended for occupancy and transported to the site for assembly. 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 slab or footings and solid foundation wall at the site intended 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 establishment 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.

Restaurant: An establishment whose principle business is the selling of unpacked food to the customer in a ready to consume state and where the customer consumes these foods while seated at tables or counters located within buildings.

A pick-up window may also be included with a Restaurant. However, no outdoor menu board larger than 2' X 3' or external speakers may be provided.

Restaurant Drive-In: A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

Restaurant Fast-Food: An establishment that offers quick food service, which is generally accomplished through a limited menu of items already prepared or which may be quickly prepared. Orders are not generally taken at the customer's table and food is generally served in a disposable wrapping or container.

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 deed, 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.

Security Personnel Living Quarters: One on-site single family unit used for the sole purpose of providing living quarters for security personnel. The size and location of the living area shall be approved by the Planning Commission at the time of conditional use approval. This conditional use is limited to only those uses in commercial or industrial zones which have outdoor storage or display.

Site Plan Review: The process whereby the Planning Commission review the site plans and maps of a developer to assure that they meet that stated purposes and standards of Article 11.6/11.7 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 material that predominately 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 Alternation: 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 locations 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.

The Townhouse: The most distinguishing characteristic of the Townhouse is common walls. Townhouses are single family attached dwellings and commonly have both a front and rear entry. Two story or split level designs are common.

This style of housing may be owned fee simple, rented as apartments, or be in condominium ownership. Designs of Townhouses have come a long way from the urban row houses of the early twentieth century. They served a need for living near the city center but soon became obsolete. But townhouses did not stay in town long. During the 1960's, townhouses moved further out into the suburbs, young families found them a solution to their housing problems, and site plans and design gradually improved. Today townhouse projects have pleasing designs including differentiation in front wall setback and varying heights. Common parking areas may be attractively landscaped. Decks and patios to the rear are fenced or screened and they may open to larger common open spaces.

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.

Zero-Lot-Line-House (patio house) (garden court house): Single family detached dwellings that are sited on a small single family lot, with one side yard, and which utilizes walls, fences or landscaping to create sheltered private outdoor living spaces. Houses are designed with one windowless side wall placed on one side lot line so there is more side yard area on the opposite side of the house.

Zoning District: A section of a City designated in the zoning ordinance text 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.

SECTION 17. VALIDITY

17.1 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.

SCHEDULE OF USES X Permitted In District A Accessory Use T Temporary Use C Conditional Use Not Permitted In District	ZONING DISTRICTS										OFFICE				LIGHT INDUSTRY	PARKING TYPE
	OS	R-1	R-2	R-3	R-4	MHP	C-1	C-2	CS	C-3	C-4	O-1	O-2	I-1	P.T.	
Agricultural Processing (hulling, milling, or grinding) (0723)															C	7
Amusement, Comm (inside) (7832,7911,7922,7929,7991,7993,7999)							C	X	X	X	X					4
Amusement, (Comm (outside) (7833,7941,7948,7992,7996,7997,7999)								C		C	X					4
Animal Hospitals or Clinics and Veterinarians' Offices Including boarding of animals and incidental care such as bathing and trimming. (0742,0752)												C				5
Antique Shop (5932)							X	X	X	X	X					6
Appliance Repair (7629)							C	X	X	X	X					6
Automobile Glass or Muffler Shop (7533,7536)								X		X	X					6
Automobile Parts and Accessories (5531)								X		X	X					6
Auto Parts & Accessories/Tractor Parts and Equipment (5531,5083)								X		X	X					6
Automobile Body and Fender Repair (7532)											X					6
Auto Repair, Overhauling, Rebuilding and Painting (7532,7538)										C	X					6
Automobile (new and used) Sales and Service (5511)											X					6
Automobile, Truck and Farm Equip. Sales and Repair Services (7538,7538)											X			X		6
Automobile Washing, Including the use of mechanical conveyors, blowers and steam cleaning (7542)																7
Bakery or Confectionery Shop, Retail and Wholesale (5149, 5461)											X					8
Bakery or Confectionery, Retail (5461)							X	X	X	X	X					6
Bank or Savings and Loan (Group 60 & 61)							X	X	X	X	X	C	C	C		5
Barber and Beauty Shop (7231, 7241)							X	X	X	X	X		A	A		6
Bar, Lounge or Tavern (5813)											X					6
Beverage Store (5921)									X	X	X					6
Bicycle Shops (5941)							C	C	X	X	X					6
Blacksmith Shops (7699)																7
Boat Sales and Service (5551)														X		6
Boat Sales and Service (no outside storage) (5551)								C	C	X	X				X	6

	OS	R-1	R-2	R-3	R-4	MHP	C-1	C-2	CS	C-3	C-4	O-1	O-2	I-1	P.T.
Boatworks (custom building and repair) (3732)											C			X	7
Book Binding (2789)										X	X				6
Book and Stationery Store (5942,5943)							X	X	X	X	X		A		6
Bottling Works (2086)											X			X	7
Bowling Alleys (7933)									X	X	X				4
Building Material Sales or Storage Yard (excluding asphalt or concrete batch plants) (5211, 5932)											X			X	6
Bulk Materials or Machinery Storage (fully enclosed) (4225)														X	7
Cabinet and Woodwork Shop (5712)										X	X				6
Camera Shop (5946)							X	X	X	X	X		A		6
Carpet and Rug Cleaning Plants (7217)														X	7
Carpet and Rug Cleaning (7217)										X	X				6
Car Wash (Self Service) (7542)									X	X	X				7
Car Sound System Installation and Repair (7622)										X-	X-				6
Catering Service (5812)									X	X	X			X	6
Churches and other religious institutions and their accessory buildings and uses (8661)		C	C	C	C		X-	X-	X	X-	X-	X	X		3
Cigar, Tobacco, and Candy Store (5441,5993)							X	X	X	X	X		A^		6
Class A Manufactured House (2451)							X								1
Class B Manufactured House (2451)							X								2
Cleaning, Pressing, Laundering, and Dying (7216)											X			X	6
Clothing Store (5611, 5621)							X	X	X	X	X				6
Cold Storage Plants (4222)											X			X	7
Communication Equipment Sales and Service (5999)									X	X	X			X	6
Communication Towers										C	X			X	*
Community Welfare or Health Center (809,9431)							X	X	X	X	X				5
Concessionary Businesses (excluding fireworks)							T	T	T	T	T				n.a.
Contractors' Offices with Equip. Storage Yards (Groups 15,16,17)											X			X	7
Contractors' Offices (executive offices only)								C	C	C	C	X	X		5
Country clubs, golf courses, swimming pools, or other private recreational uses usually associated with, or incidental to, a social country club or subdivision association operated for mutual recreation for the members, and not as a business for profit. (7997)															
Custom Sewing and Millinery (5699)	C	C	C	C	C										4
Dairy Products Plant (Group 202)							X	X	X	X	X			X^	6
Day Nursery or Day Care Center (8351)											X		C^		7
							X	X	X	X	X				4

	OS	R-1	R-2	R-3	R-4	MHP	C-1	C-2	CS	C-3	C-4	O-1	O-2	I-1	P.T.
Doctor's Office (estab. Of licensed practitioner) (Group 801, 802, 803, 804)							X-	X-	X-	X-	X-	X	X		5
Drug Store or Pharmacy (5912)							X	X	X	X	X		A		6
Dry Cleaning (nonhazardous materials) (7219)							X-	X-	X-	X-	X-				7
Educational Institutions, including but not limited to colleges, universities, public & private elementary, junior & senior high schools and their accessory buildings and uses (Group 82)															
Electrical Distribution Substations (4911)	C	C	C	C	C			C	X	X	X	C			2
Electrical Repair Shops (7629)										C	C				n.a.
Elevated Pressure Tanks (municipal water supply) (4941)										X	X				6
Establishment for the Care of Alcoholic, Narcotic, or Psychiatric Patients (8093)										C	C			C^	n.a.
Exterminators of Pests from Homes and Business (7342)										X	X		X		5
Feed and Seed Stores (5261, 5399)										C	X				6
Fire Sales (5999)										X	X				6
Fireworks (5999)									T	T	T				n.a.
Flea Market (outdoor)											X			X	
Florist Shop (5992)							X	X	X	X	X		A		6
Food Lockers and Services (4222)										X	X			X^	6
Food Process & Packing Plants (202,203,205,2064-66, 2086-87,209)														X	7
Food Store (5411)							X	X	X	X	X				6
Freight Forwarding Terminals (4731)											X			X^	7
Freight Transit Yards (4731)											X			X^	7
Fuel Oil, Ice Plant, Butane, and Wood Sales (Group 598,2097)														C	6
Funeral Homes & Parlors (7261)							X	X		X	X				
Furniture Cleaning and Refinishing Plants (7641)														X	7
Furniture Repair Store (7641)							C	C	X	X	X				6
Furniture Store (571,5932)							C^	X	X	X	X				6
Furniture Warehouses and Van Services (4213,4214)											X			X	7
Garage, Garport, or Yard Sales (5999)															n.a.
Gas Regulator Stations (Group 492)	T	T	T	T	T					C	C				n.a.
Glass Shops (5231)										X	X				6
Gunsmith Shops (7699)								X	X	X	X				6
Handcraft Ceramic Sculpture or Similar Art Work (5999)							X	X	X	X	X				6
Hardware or Sporting Goods Store (no outside display) (5251, 5941)							X	X	X	X	X				6
Hardware or Sporting Goods Store (outside display) (5251, 5941)											X			X	6
Health Studio or Spa (7991)							C	X	X	X	X		A		4

[illegible]

	OS	R-1	R-2	R-3	R-4	MHP	C-1	C-2	CS	C-3	C-4	O-1	O-2	I-1	P.T.
Monument Works (5999)														X	6
Mortuaries (7261)										X	X				6
Motorcycle Sales and Service (5571)										C ^A	X				6
Multi-family				X									C		2
Municipal or governmental recreation use, including public parks, playgrounds, tennis courts, golf courses, community centers, fire stations, museums, libraries and other similar uses. (7992, 7997, 8412, 8422, 9224)															
Musical Instrument Sales and Repair (5736, 7699)		C	C	C	C		C	C		C	C	C	C	C	2
Nurseries and Garden Supply Stores (5261)								C	C	X	X	X			6
Nursing Homes (Group 805)				C											6
Office (general and professional)							C	C	C	C		X	X		4
Office Equipment Sales and Service (5734, 5999)								X	X	X	X				5
Optical Shop (5995)							X	X	X	X	X		A		6
Ornamental Iron Workshops (3446)															6
Paint and Wallpaper Store (5231)							X	X	X	X	X			X	7
Packing and Crating Service (7389)										X	X				6
Parking, Commercial Lot or Garage (Group 7521)									X	X	X		C		n.a.
Parcel Delivery Service (4215)										C ^A	X			X ^A	6
Pawn Shop (5932)									X	X	X				6
Pet Shop/Grooming (5999)							C	X	X	X	X				6
Photocopy and Duplicating Service (7334)							X	X	X	X	X		A		6
Photography Studio and Photo Framing Shop (7221, 7699)							X	X	X	X	X	C	C		6
Photographic Developing and Printing (retail only) (7384)							X	X	X	X	X				6
Picture Framing Shops (7699)							X-	X-	X	X	X				6
Plastic Pipe Sales & Storage										C	X				
Plumbing and Sheet Metal Shops (1711, 5074)										C	C			X ^A	6
Plumbing, Electrical, Air-conditioning or Heating Sales (Group 507)								X		X	X				6
Printing, Lithographing and Engraving (Group 275)										X	X			X ^A	6
Printing and Publishing Plants (Group 271-275)														X	7
Private Club with Dining and Bar Service (7994, 8641)									X	X	X				4
Public Buildings and Grounds (Group 91-96)										C	C				n.a.
Public Service Plumbing Station (Group 494, 495)										C	C				n.a.
Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office and no repair or storage facility are maintained therein. (Group 49)		C	C	C	C										
Public Utility Yards (Group 49)											X			X ^A	7

	OS	R-1	R-2	R-3	R-4	MHP	C-1	C-2	CS	C-3	C-4	O-1	O-2	I-1	P.T.
Radio and Television Repair Shops (7622)							X-	X-	X	X	X				6
Recreational Vehicles, Camping Trailers, Boats (5551)											X				n.a.
Recycling Facility (5093)														C	7
Recycling Pick-up Station (Alum) (5093)									C	C	X				6
Refrigeration Equipment Sales and Service (5722)										X	X				6
Residential Care (8361)				C											2
Restaurant (with bar) (5812)									X	X	X				4
Restaurants, including Drive-Ins (5812)									X	X	X				4
Restaurants, without Drive-Ins (5812)								X	X	X	X		A		4
Retail Uses not listed (enclosed, no open yard storage)							C	C	C	C^	C^				6
Rowhouse			X												2
Safe and Vault Repairing (7699)										X	X			X	6
Schools (Bus, Profess. & Trade, and Colleges) (822,824)								C	C	X	X		C		5
Scientific (research, testing, or experimental labs) (873)														C	7
Second Hand Store, Used Furniture or Rummage Shop (5932)										X	X				6
Security Personnel Living Quarters										C>	C>			C>	n.a.
Service Station (5541)									X	X	X				6
Shoe Repair (7251)							X	X	X	X	X				6
Sign Painting Shops (7389)											X			X	6
Single Family		X	X		X	C									1
Stone and Monument Sales (no milling) (5999)											X				6
Storage Garages (4226)											X			X^	7
Storage Yards for Commercial Vehicles (4226)											X			X^	7
Studio (art, Dramas, speech, or similar skills) (8999)							X	X	X	X	X	C	C		6
Studio (broadcasting or recording) (Group 483, 7389)							C	C	C	X	X		C		6
Studio (music, dance or ceramics) (8299)							C	X	X	X	X				6
Swimming Pool, Tennis courts, Other Private Recreation (7389)	A	A	A	A											3
Swimming Pool Sales and Display (1799, 7399)							X	X	X	X	X				6
Tailor (5699)										X	X				
Taxicab Companies										X	X				
Taxicab Service (storage, maintenance & repair)										X	X			X	
Taxidermists (7699)										X	X				6
Theatre (drive-in) (7832)											X				4
Theatre (not drive-in type) (7832)									X	X	X				4
Tire Sales, Retreading and Recapping (7534)											C			X	6
Tobacco and Smokers Pipe Shop (5933)							X	X	X	X	X		A		6

[illegible]

City of Sherwood
Zoning Regulations



ADDENDUM

ORDINANCE 1415

AN ORDINANCE TO AMEND ORDINANCE 729 AS AMENDED; DEFINING AND CLASSIFYING SEXUALLY ORIENTED BUSINESS; MAKING SEXUALLY ORIENTED BUSINESSES CONDITIONAL USES; PROVIDING RESTRICTIONS ON THE LOCATION OF SEXUALLY ORIENTED BUSINESS; PROVIDING PENALTIES FOR VIOLATIONS TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

Whereas, it has come to the attention of the City Council of the City of Sherwood, Arkansas, that it is necessary to amend the zoning ordinance to establish reasonable and uniform regulations of sexually oriented businesses; and

Whereas, the City Council finds that Ordinance No. 729 (the "Zoning Ordinance") should be amended to establish reasonable and uniform regulations on sexually oriented businesses; and

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

Section 1: PURPOSE AND INTENT. It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations of sexually oriented businesses within the City. The provisions of this chapter have neither the purpose nor the affect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor affect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributor's and exhibitors of sexually oriented entertainment to their intended market, unless other wise restricted by law.

Section 2: SEXUALLY ORIENTED BUSINESSES – DEFINITIONS

- (a) Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" (i) or "specified anatomical areas" (i).
- (b) Adult Bookstore or Adult Video Store. A commercial establishment whose principal business purposes is to offer for sale or rental for any form of consideration any one or more of the following:
 - (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" (i) or "specified anatomical areas" (i).
- (c) Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (1) Persons who appear in a state of nudity; or

- (2) Live performances which are characterized by the exposing of "specified sexual activities" (i) "specified anatomical areas (i); or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of "specified sexual activities" (i) or "specified anatomical areas (i).
- (d) Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize "specified sexual activities" (i).
- (e) Adult Theaters. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appearing in a state of nudity of live performances which are characterized by the exposure of "specified sexual activities" (i) or "specified anatomical areas (i).
- (f) Nudity or State of Nudity.
 - (1) The appearance of the bare human buttocks, anus, male genitals, female genitals, or female breast.
 - (2) A state of dress which fails to opaquely cover a human buttocks, anus, male genitals, female genitals, or areola of the female breast.
- (g) Person. An individual, proprietorship, partnership, corporation, association, or other legal entity.
- (h) Sexually Oriented Business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, or adult theater as the same are defined herein.
- (i) Specified Sexual Activities
 - (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse, or sodomy;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
- (j) Specified Anatomical Areas.
 - (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
 - (2) Human male gentilas in a discernible turgid state, even if completely and opaquely covered.
- (k) Residential District. Any land within the city limits of Sherwood, Arkansas, zoned as R-1, R-2, R-3, R-4, R-1 Conditional and P. U. D.

Section 3: SEXUALLY ORIENTED BUSINESSES – CLASSIFICATION. Sexually oriented businesses are classified as follows:

- (a) Adult arcade;
- (b) Adult bookstores and adult video stores;
- (c) Adult cabarets;
- (d) Adult motion picture theaters;
- (e) Adult theaters.

Section 4: CONDITIONAL USE. Sexually oriented businesses shall not be allowed in any zoning district except C-4 where they may be allowed subject to the following :

- (a) No sexually oriented business shall be operated within 660 feet of:
 - (1) A church;
 - (2) A public or private elementary, middle school, secondary or post-secondary school, pre-school, or child care facility;
 - (3) A boundary of a residential district (R-1, R-2, R-3, R-4, R-1 Conditional, and P. U. D.
 - (4) A public park; family recreation center as defined in A. C. A., Section 5-27-226; bowling alley; or skating rink.
 - (5) A hospital;
 - (6) Properties listed on the National Register of Historical Places or local historic districts as identified by the Arkansas Historic Preservation Program.
- (b) A person commits an offense if the person causes or permits the operation, establishment, or maintenance of a sexually oriented businesses within 660 feet of another sexually oriented businesses, or within 660 feet of any room, building, premises, places, or establishment that sells or dispenses any alcoholic beverage, which means but is not limited to distilled spirits wine or beer.
- (c) For the purpose of subsections (a) and (b), measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the sexually oriented business to the nearest property line of any church, public or private elementary, middle school, secondary or post secondary school, pre-school or child care facility, public park, family recreation center, bowling alley, skating rink, residential district, or any single family or multiple family residential use, hospital, properties listed on the National Historic Register or local historic districts as identified by the Arkansas Historic Preservation Program, place or establishment that sells or dispenses and alcoholic beverages defined in the previous paragraph, or any other sexually oriented business.

- (d) The Zoning Ordinance shall be amended to classify sexually oriented businesses in C-4 Zone.

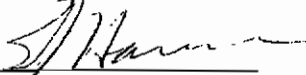
Section 5: PENALTIES:

- (a) Any person operating or causing to be operated any sexually oriented business in violation of any part of this ordinance, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00);
- (b) If the violation is, in its nature, continuous respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred fifty dollars (\$250.00) for each day that the same is unlawfully continued.
- (c) A person who operates or causes to be operated a sexually oriented business in violation of this ordinance will be subject to a suit for injunction as well as prosecution for criminal violations.

Section 6: A lawfully operating sexually business shall not be rendered illegal by the subsequent location of a church, a public or private school, a pre-school, a child care facility, a public park, a family recreation center, a bowling alley, a skating rink, residential zoning, a residential use, or an establishment selling or dispensing alcohol.

Section 7: EMERGENCY CLAUSE: The City Council finds that regulation of sexually oriented businesses is of extreme importance to the health, safety, and welfare of the citizens of Sherwood, Arkansas, and for this reason, an emergency exists, and this ordinance being necessary for the preservation of the health, safety, and welfare of the citizens of Sherwood, Arkansas, shall be in full force and effect from and after passage, approval.

PASSED this 21st day of December, 1998.


BILL HARMON, MAYOR

ATTEST:


BOBBIE CHAPMAN, City Clerk

ORDINANCE NO. 1536**AN ORDINANCE AMENDING ORDINANCE NO. 1415 REGARDING SEXUALLY ORIENTED BUSINESSES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

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

SECTION 1: Section two (2) of ordinance 1415 is hereby amended to add the following definition:

Section 2c Adult Novelty Shop

Any commercial establishment which, as its principal or partial business, offers for sale, adult novelty items of a sexual nature or other types of items designed for sexual gratification.

SECTION 2: Section three (3) of Ordinance 1415 is amended to add Adult Novelty Shops as classified (f) "Sexually Oriented Business".

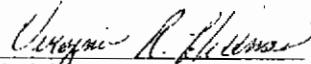
SECTION 3: Any ordinance found to be in conflict with this ordinance is repealed to the extent of the conflict. Any portion of this ordinance found to be unconstitutional or contrary to state or federal law shall not render the remaining parts void.

SECTION 4: This ordinance is necessary and appropriate regulation of adult oriented businesses and therefore an emergency is hereby declared.

ADOPTED this 25th day of June, 2001.


Bill Harmon, Mayor

Attest:


Virginia R. Hillman, City Clerk

ORDINANCE NO. 1564

AN ORDINANCE REQUIRING PAVED DRIVEWAYS FOR ALL NEW RESIDENTIAL HOMES OR HOME IMPROVEMENTS THAT ARE MORE THAN 50% OF THE APPRAISED VALUE OF THE PRINCIPAL STRUCTURE.

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

SECTION 1: An ordinance requiring a paved driveway for all new residential homes or improvements that are more than 50% of the appraised value of the principal structure.

SECTION 2: The building criteria shall be a minimum width of eight (8) feet and a depth of not less than four (4) inches of 3,500 psi concrete paving or four (4) inches of compacted Class 7 base with two (2) inches of hot mix asphalt concrete. Alternative methods of permanent driveway surfaces shall have the approval of the City Engineer.

SECTION 3: All curb cuts on existing curb and gutters shall be saw cut and removed in a neat and orderly fashion to protect the long term integrity of the curbs and new driveway.

SECTION 4: The paved driveway shall begin at the street edge of pavement or curb and gutter section and connect at garage or carport. If there is not a garage or carport for the paved driveway; then the minimum length of the driveway shall be twenty-five (25) feet to allow the parking of two vehicles.

SECTION 5: Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

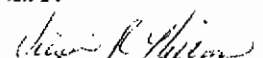
SECTION 6: If any part or parts of this ordinance are declared unconstitutional or void for any reasons, it shall not affect the remaining parts of the ordinance.

SECTION 7: This ordinance is necessary for the orderly development of the City of Sherwood; therefore, an emergency is declared.

ADOPTED this 17th day of December, 2001.


Bill Harmon, Mayor

ATTEST:


Virginia Hillman, City Clerk

ORDINANCE NO. 1572

AN ORDINANCE AMENDING ORDINANCE 729 SCHEDULE OF USES TO ALLOW HOTELS AND MOTELS IN A C-3 COMMERCIAL ZONE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

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

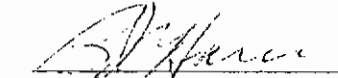
SECTION 1: An ordinance amending Ordinance 729 Schedule of Uses to allow Hotels and Motels in a C-3 Commercial zone. Such amendment will be incorporated into said ordinance.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

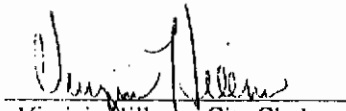
SECTION 3: Should any part or parts of this ordinance be declared void or unconstitutional for any reason, it shall not affect the remaining parts of this ordinance.

SECTION 4: The passage and approval of this ordinance is necessary to promote the general welfare and orderly growth of the City of Sherwood; therefore, an emergency is hereby declared to exist and this ordinance shall be in effect upon its passage.

ADOPTED this 25th day of February, 2002.


Bill Harmon, Mayor

ATTEST:


Virginia Hillman, City Clerk

ORDINANCE NO. 1569

AN ORDINANCE AMENDING ORDINANCE 729 DEFINING ATTACHED DECKS IN A RESIDENTIAL ZONE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

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

SECTION 1: All attached uncovered decks shall not be considered a part of the principal building structure in regard to rear yard setback building line requirements of twenty-five feet. Attached uncovered decks shall be required to meet rear yard setbacks of fifteen feet. The side yard setback requirement shall meet the same criteria as the side yard setback for a principal building. An attached uncovered deck shall not be built on an easement.

SECTION 2: All attached decks with a roof shall be considered a part of the principle structure and shall comply with the twenty-five foot rear yard setback requirement. When covering an existing attached deck, the setbacks shall be enforced as with the principal structure or a variance shall be required.

SECTION 3: Ordinance 729 is hereby amended.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: If any part or parts of this ordinance be declared void or unconstitutional for any reason, it shall not affect the remaining parts of this ordinance.

SECTION 6: This ordinance is necessary for the orderly growth of the City of Sherwood; therefore, an emergency is hereby declared and this ordinance shall be in full force; effective immediately upon its passage.

ADOPTED this 28th day of **January**, 2002.

Bill Harmon, Mayor

ATTEST:

ORDINANCE NO. 1679

AN ORDINANCE AMENDING ORDINANCE NO. 729 SCHEDULE OF USES GOVERNING MANUFACTURING TO INCLUDE A CONDITIONAL USE IN A C-4 COMMERCIAL ZONE IF THE CRITERIA IS MET AS FOLLOWS:

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

SECTION 1: Ordinance No. 729 Schedule of Uses has hereby been amended to allow a conditional use in a C-4 Commercial zone under the classification of Manufacturing providing that no other permits are needed such as Environmental Permits (air pollution) (industrial pre-treatment for wastewater).

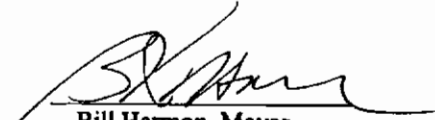
SECTION 2: The conditional use in a C-4 Commercial zone would allow light industrial technology, where it does not affect the area infrastructure and pose a risk to the residents nearby.

SECTION 3: The Fire Code Official shall approve the proposed conditional use in a C-4 Commercial zone prior to the submittal to the Planning Commission for a recommendation to the City Council based on current fire codes.

SECTION 4: If any part or parts of this ordinance were declared void or unconstitutional for any reason it shall not affect the remaining parts of this ordinance.

SECTION 5: This ordinance is necessary for the growth of the City of Sherwood.


ADOPTED this 26th day of September 2005.


Bill Harmon, Mayor

ATTEST:


Virginia Hillman, City Clerk

APPROVED AS TO FORM:


Stephen Cobb, City Attorney

ORDINANCE NO. 1680

AN ORDINANCE AMENDING ORDINANCE NO. 729 SCHEDULE OF USES GOVERNING DOG GROOMING TO INCLUDE CSC, C-2 AND C-3 COMMERCIAL ZONES; AND FOR OTHER PURPOSES.

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

SECTION 1: Ordinance No. 729 Schedule of Uses has hereby been amended to allow dog grooming in a CSC, C-2 and C-3 Commercial zone.

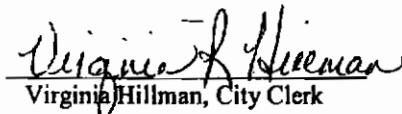
SECTION 2: Any part or parts of this ordinance were declared void or unconstitutional for any reason it shall not affect the remaining parts of this ordinance.

SECTION 3: This ordinance is necessary for the growth of the City of Sherwood.

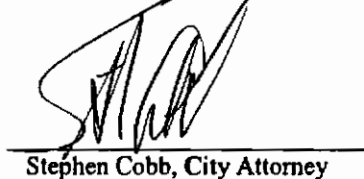
ADOPTED this 26th day of September, 2005


Bill Harmon, Mayor

ATTEST:


Virginia Hillman, City Clerk

APPROVED AS TO FORM:


Stephen Cobb, City Attorney