

# **CITY OF SHERWOOD**

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# **ZONING CODE**

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**Adopted by Ordinance No. 2214 on September 24, 2018  
Amended November 24, 2025**

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## **TITLE 14**

### **ZONING**

Chapters:

- 14.01 Purpose, Authority and Jurisdiction
- 14.02 General Provisions
- 14.03 Open Space Districts
- 14.04 Residential Districts
- 14.05 Commercial Districts
- 14.06 Office Districts
- 14.07 Industrial Districts
- 14.08 Planned Unit Development Districts
- 14.09 Overlay Districts
- 14.10 Special Provisions and Use Standards
- 14.11 Reserved
- 14.12 Off-Street Parking and Loading
- 14.13 Nonconforming Uses and Structures
- 14.14 Board of Zoning Adjustment
- 14.15 Administration and Enforcement
- 14.16 Landscaping
- 14.17 Definitions
- 14.18 Schedule of Uses

## **CHAPTER 14.01. PURPOSE, AUTHORITY AND JURISDICTION**

Sections:

- 14.01.01 Title
- 14.01.02 Purpose
- 14.01.03 Authority
- 14.01.04 Jurisdiction
- 14.01.05 Validity

### **14.01.01. Title**

This Code shall be known, cited, and referred to as the City of Sherwood Zoning Code.

### **14.01.02. Purpose**

The purpose of this Code, 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.

### **14.01.03. Authority**

This Code is prepared in pursuance of the authority granted by the Legislature of the State of Arkansas in Act 186 of 1957, as amended.

### **14.01.04. Jurisdiction**

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

### **14.01.05. 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.

## **CHAPTER 14.02. GENERAL PROVISIONS**

### Sections:

- 14.02.01 Interpretation
- 14.02.02 Establishment of Zoning Districts
- 14.02.03 Zoning Districts Map
- 14.02.04 Zoning Districts Boundary
- 14.02.05 Interpretation of Zoning District Boundaries
- 14.02.06 Zoning of Newly Annexed Areas
- 14.02.07 Existing Lots of Record
- 14.02.08 Height Exceptions
- 14.02.09 Amendments
- 14.02.10 Conditional Use Permits
- 14.02.11 Site Plan Review

### **14.02.01. Interpretations**

- A. The provisions of this Code shall be held to be minimum requirements to meet the purpose expressed in Section 14.01.02. Where the provisions of this Code impose greater restrictions than those of any other ordinance or regulation, the provisions of this Code shall prevail. Where the provisions of any other ordinance or local regulation impose greater restrictions than those of this Code, the provisions of such other ordinance or regulation shall prevail. When referring to this Code, 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 Code may provide for zoning districts which do not exist on the zoning map. In no case should these zones be construed to exist until such time as the zoning map is amended by ordinance to include such zones.
  - 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 14.02.10 Conditional Use Review of this Code.
  - 7. The words "building" and "structure" are synonymous and include any part thereof.
  - 8. The word "person" includes individuals, firms, corporations, 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 City of Sherwood, Arkansas.
  - 11. All public officials, bodies and agencies to which reference is made are those of the City of Sherwood, Arkansas, unless clearly otherwise intended.
  - 12. All yards required by this Code shall be unobstructed by structures from the lowest level of the lot to the sky except as specifically regulated herein.

#### **14.02.02. Establishment of Zoning Districts**

In order 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, and to prevent the intrusive usage of land the City of Sherwood is divided into zoning districts. Within these districts certain development regulations and restrictions shall apply. The City of Sherwood is hereby divided into the following zoning districts.

1. OS – Open Space District
2. R-1 – Single Family Residence District
3. R-2 – Multi-Family Residence District
4. R-3 – Multi-Family Residence District
5. R-4 – Manufactured Housing (Class “A”) District
6. MHP – Mobile Home Park District
7. C-1 – Neighborhood Commercial District
8. C-2 – Light Commercial District
9. C-SC – Shopping Center District
10. C-3 – General Commercial District
11. C-4 – Highway Commercial and Open Display District
12. O-1 – Special Purpose Office District
13. O-2 – General Office District
14. I-1 – Light Industrial District
15. PUD – Planned Unit Development District

#### **14.02.03. Zoning Districts Map**

The boundaries of the zoning districts shall be delineated on the map entitled “Sherwood, Arkansas Zoning Districts,” which is part of this Code, and which is on file in the office of the City Clerk. Said map and all notations, references, date, and other information shown thereon shall be and are hereby made part of this Code. The map may be revised from time to time. Copies of ordinances revising the map and this Code will be on file in the office of the City Clerk and the Planning and Permits Office, Sherwood, Arkansas.

#### **14.02.04. Zoning District Boundaries**

Unless otherwise indicated on the Zoning Districts Map, the zoning district 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 this Code.

#### **14.02.05. Interpretation of Zoning District Boundaries<sup>1</sup>**

- A. There may be circumstances where the boundary of a zoning district as shown on the Official Zoning Districts Map is either unclear or splits an existing property into two (2) or more zoning districts. Such discrepancies can be caused by early drafting technologies and current digital mapping capability or by uncertainty as to the intent of the boundary's placement. When there exists a minor discrepancy between the boundary of a zoning district and a property line, such that uncertainty exists as to the apparent area of the property to be included in the zoning district, the Planning Commission, upon written application or on its own motion, may interpret and determine the location of zoning district boundaries where:
  1. Uncertainty exists as to the boundaries of a zoning district; or,
  2. The street or property lines existing on the ground are at variance with those on the Zoning Districts Map; or,
  3. A zoning district boundary divides a platted lot under single ownership.
- B. This authority is expressly intended only for minor inconsistencies and shall not be extended to the total rezoning of a single parcel into two (2) or more zoning districts or into a different zoning district than either of the two currently splitting the property.

#### **14.02.06. 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.

#### **14.02.07. Existing Lots of Record**

##### **A. 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 Ordinance 729, 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.

##### **B. Side Yard Requirements**

On any such lot or parcel, the yard requirements of this Code shall be complied with if said requirements do not reduce the new 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.

##### **C. 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:

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<sup>1</sup> Amended by Ordinance 2253 – Adopted June 24, 2019.

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.

**D. 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 building 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.

**E. 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 measure from the centerline of said alley.

**F. Projections into Required Yards**

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 and one-half (4.5) feet.
3. Uncovered stairways 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.

**G. *Deleted by Ordinance 2313 – Adopted August 24, 2020.***

**14.02.08. Height Exceptions**

When authorized by the Planning Commission, zoning height limitations may be extended.<sup>2</sup>

**14.02.09. Amendments<sup>3</sup>**

**A. General**

This code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures in this section.

**B. Request for Amendments**

The following may initiate a request to amend this Code:

1. The Enforcement Officer acting on behalf of the City.
2. A property owner or his/her authorized agent.

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<sup>2</sup> Amended by Ordinance 2253 – Adopted June 24, 2019.

<sup>3</sup> Amended by Ordinance 2491 – Adopted July 22, 2024.

C. Amendments Initiated by the City

Amendments initiated by the Enforcement Officer acting on behalf of the City may be made in the following manner:

1. The Mayor, City Council or may refer a request for amendment to the Planning Commission to be considered in accordance with procedures outlined in § 14.02.09.D.
2. The City Council may request the Mayor to direct the Enforcement Officer to draft amendments to this Code to be considered in accordance with the procedures outlined in § 14.02.09.D.
3. The Mayor may direct the Enforcement Officer to draft amendments to this Code to be considered in accordance with procedures outlined in § 14.02.09.D.
4. The Planning Commission may direct the Enforcement Officer to draft amendments to this Code to be considered in accordance with procedures outlined in § 14.02.09.D.
5. The City Council may amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code, Annotated.

D. Procedures for Amendments Initiated by the City

Amendments initiated by the Enforcement Officer acting on behalf of the Mayor, City Council, or Planning Commission may be made in the following manner:

1. If the proposed amendments are not consistent with Comprehensive Plan or other applicable adopted plans, the Planning commission must first consider and adopt any necessary changes to the plan(s).
2. The Planning Commission will hold a public hearing to consider amendments to the Zoning Code and, when necessary, amendments to the Comprehensive plan or other applicable adopted plans.
3. The Enforcement Officer shall make a map and/or documents indicating the proposed changes available in City Hall and on the city website for review at least seven (7) days prior to the public hearing at which the changes will be considered.
4. Notice of such hearing shall be published at least fifteen (15) days prior to the public hearing in a publication of general circulation in the City of Sherwood in accordance with the provisions of § 14-56-422 of the Arkansas Code, Annotated, and shall include a general description of the changes being made. Changes in zoning district classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and notice to individual property owners shall not be made. The Enforcement Officer shall notify, via USPS First Class mail with Certificates of Mailing, the Little Rock Air Force Base (LRAFB) and board of directors and school superintendents of all school districts affected by the proposed amendment so to allow representatives of said entity opportunity to submit comments.
5. Following the public hearing, the proposed amendments may be approved as presented, or in modified form, by a majority of the entire Planning Commission.
6. Following its adoption of the amendments of the Zoning Code, the item shall be forwarded to the City Council for consideration of adoption.

The City Council may adopt the amendments as prepared, revise and adopt the prepared amendments, reject the amendments, or remand the matter back to the Planning Commission for further consideration. If the matter is remanded back to the Planning Commission, an

additional public hearing at a regular meeting of the Planning Commission shall be required and public notice given in accordance with § 14.02.09.D.4.

7. The City Council may amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code, Annotated, with an adopted emergency clause.

**E. Procedures for Amendments Initiated by a Property Owner**

Amendments initiated by a property owner, or his/her authorized agent may be made in the following manner:

1. Application: An application shall be made by the property owner/authorized agent. The application shall be made by means provided by the City of Sherwood in accordance with the Planning Commission calendar. No application shall be accepted and processed without all required materials and payment of fees.

The application shall include the following information and documents:

- a. Applicant Information: The name and address of the applicant.
- b. Property Owner/Authorized Agent Form. Form indicating that the applicant is the owner(s) of the property, or the applicant is authorized to apply and act on behalf of the owner(s).
- c. Location Information. Address and accurate legal description of the property.
- d. Survey. A boundary survey of the property including building locations, building outlines, driveways, parking lots, abutting streets, north arrow, and other pertinent information as may be required by the Enforcement Officer.
- e. Fee. Payment of the prescribed nonrefundable fee as indicated in § 14.02.09.G.

2. Public Notice: Public notice for amendment application shall consist of a legal notice in a publication of general circulation within Sherwood, public notice signs on the property, and mailed notice to property owners within three hundred (300) feet. No application may be heard for a public hearing by the Planning Commission until all forms of public notice have been made. The following requirements shall satisfy public notice requirements:

- a. Legal Notice: The applicant shall be responsible for publication of a legal notice in a publication of general circulation within the City of Sherwood in accordance with the provisions of § 14-56-422 of the Arkansas Code, Annotated. Notice must be published once at least fifteen (15) days prior to the public hearing. The notice shall include:

- 1) The existing zoning district of the property and the proposed zoning district sought in the application.
- 2) Location including accurate legal description and address. If no address is assigned, a general description of location in relation to a nearby address shall suffice.
- 3) Time, date, and location of the public hearing.

An affidavit of publication shall be provided to the Enforcement Officer at least ten (10) days prior to the public hearing.

- b. Public Notice Signs: The applicant shall be responsible for posting a sign or signs of public notice on the property at least fifteen (15) days prior to the public hearing. Sign posting shall meet the following requirements:

- 1) One (1) signs for each two hundred and fifty (250) feet of street frontage with at least one (1) sign per street frontage.
- 2) Signs shall be placed at the property line nearest the street and be clearly visible to passing vehicles and pedestrian traffic.
- 3) 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 decisions 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.
- 4) 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 shall result in a postponement of the public hearing or City Council agenda item until such time full compliance with posting procedure is achieved.
- 5) Signs shall be supplied by the City of Sherwood and the Enforcement Officer shall determine the number of required signs. The applicant shall pay a nonrefundable fee as established in § 14.02.09.G.
- 6) Photographic proof of posting of the required public notice signs shall be provided to the Enforcement Officer at least ten (10) days prior to the public hearing.

c. Letters of Public Notice: The applicant shall mail, by USPS First class mail with Certificates of Mailing, a notice of the public hearing to all property owners within three hundred (300) feet of the property, all school board members and school superintendent of the school district, and Little Rock Air Force Base (LRAFB) in which the property is located. Notice must be mailed at least fifteen (15) days prior to the public hearing. The City of Sherwood shall supply the required property owner list.

Notice shall be made using a completed form provided by the City of Sherwood which shall at least include a description of the existing and proposed zoning districts of the property, location, and date/time/location of the public hearing. The applicant may include additional information regarding the application.

Proof of mailing including Certificates of Mailing and a copy of notice letter shall be provided to the Enforcement Officer at least ten (10) days prior to the public hearing.

3. Review Procedure:
  - a. Staff Review: The Enforcement Officer shall review the application and may provide a recommendation for action on the item.
  - b. Planning Commission Review: The Planning Commission shall hold a public hearing on the application and render a decision within at least sixty (60) business days or following the closing of the public hearing. The decision deadline shall commence upon closure of the public hearing.
    - 1) Amendments to the Application: An application may be amended by the applicant no later than ten (10) days prior to the public hearing for the application, provided the amendment shall result in the applicant seeking a lower intensity proposed zoning district than the original request. In such instances, no additional public hearing shall be required.

Any amendment to an application sought later than ten (10) days prior to public hearing for the application shall be automatically tabled following the public hearing for the application. An additional public hearing at a regular meeting of the Planning Commission shall be required. Public notice shall be given in accordance with § 14.02.09.E.2. and payment of a nonrefundable fee as indicated by § 14.02.09.G. shall be made before a vote may be conducted by the Planning Commission may be conducted on the application.

- 2) Approval: If the Planning Commission approves the application, the item shall be forwarded to the City Council for review and action.
- 3) Denial: If an amendment request is denied by the Planning Commission, written notice of denial shall be provided to the applicant within fifteen (15) days of the decision being rendered. Such written notice shall include the reasons for denial of the application. The applicant may appeal the denial to the City Council in writing, stating why they consider the Planning Commission's findings and decisions to be in error. The appeal must be filed with the Enforcement Officer within thirty (30) days of receiving the written notice of denial and shall be subject to a public hearing before the City Council. The applicant must complete the public notice requirements indicated in § 14.02.09.E.2. and pay a nonrefundable fee as indicated in § 14.02.09.G.

Appeals to the City Council shall be reviewed *de novo* on the basis in which the application was denied by the Planning Commission. If the appeals introduces new or additional information, the City Council shall remand the case back to the Planning Commission for reconsideration. If the case is remanded back to the Planning Commission, an additional public hearing at a regular meeting of the Planning Commission shall be required and public notice given in accordance with § 14.02.09.E.2.

If no appeal is filed, the decision of the Planning Commission shall be final and no further action on the application shall take place.

- c. City Council Review: For applications approved by the Planning Commission, the Commission shall report their findings and recommendations to the City Council. The City Council by ordinance may grant the amendment as requested, deny the amendment request, or remand the case back to the Planning Commission for additional consideration of the item. If the case is remanded back to the Planning Commission, and additional public hearing at a regular meeting of the Planning Commission shall be required and public notice given in accordance with § 14.02.09.E.2.
4. Effect of Denial: An amendment application may not be filed for a site that has received final denial action within one (1) year from the effective date of final denial action unless authorized by the City Council.

#### **F. Guidelines for Decision Making**

In consideration of amendments, the Planning Commission and City Council shall, at a minimum, consider the following:

1. Public comments received regarding the amendments.
2. The consistency of the amendments with the Comprehensive Plan or other adopted plans.
3. The potential public benefits of the amendment.

4. Issues identified by the Enforcement Officer.
5. If concerning an individual property, the impact of the amendment application on adjacent and nearby properties including potential development impacts.

**G. Schedule of Fees**

Unless and until a fee schedule is adopted by City Council, fees shall be as follows:

<b>Amendment Type</b>	<b>Fee</b>
Amendment Application Fee	\$325.00
Amended Application Fee	\$150.00
Nonrefundable Appeal Fee	\$200.00
Sign Fee	\$10.00

**14.02.10. Conditional Use Permits<sup>4</sup>**

**A. Purpose**

Because of their unique character and impact on adjacent properties, some uses in this code are designated as conditional uses and require a permit. Depending on the nature of the use, a use requiring such a permit may or may not be desirable and appropriate in all. Each application must be individually considered to provide reasonable conditions of approval to mitigate the impact of the use and protect the adjacent area from harm by the use.

The following regulations in conjunction with other provisions of this code, particularly Chapter 14.10. – Special Provisions and Use Standards, provide the procedure and standards for the evaluation of conditional use permit applications.

**B. Application for a Conditional Use Permit**

An application shall be made by the property owner/authorized agent. The application may be processed concurrently with a rezoning request and shall be made by means provided by the City of Sherwood in accordance with the Planning Commission calendar. No application shall be accepted and processed without all required materials and payment of fees.

The application shall include the following information and documents:

1. Applicant Information: The name and address of the applicant.
2. Property Owner/Authorized Agent Form: Form indicating that the applicant is the owner(s) of the property, or the applicant is authorized to apply and act on behalf of the owner(s).
3. Location Information: Address and accurate legal description of the property.
4. Use Description and Intended Improvements: A written description of the proposed use of the property including the intended improvements to be made to the property.

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<sup>4</sup> Amended by Ordinance 2490 – Adopted July 22, 2024.

5. Scaled Site Plan: A scaled site plan showing existing conditions and intended improvements showing at least: property boundaries, building locations, building outlines, driveways, parking, screening, abutting streets, north arrow, and other pertinent information as may be required by the Enforcement Officer. The Enforcement Officer shall have the authority to require plans prepared and stamped by a licensed design professional.

C. Public Notice

Public notice for conditional use permit applications shall consist of a legal notice in publication of general circulation within the city of Sherwood, public notice signs on the property, and mailed notices to property owners within three hundred (300) feet. No application may be heard for a public hearing by the Planning Commission until all forms of public notice have been made. The following requirements shall satisfy public notice requirements:

1. Legal Notice: The applicant shall be responsible for publication of legal notice in a publication of general circulation within the City of Sherwood in accordance with the provisions of § 14-56-422 of the Arkansas Code, Annotated. Notice must be published once at least fifteen (15) days prior to the public hearing. The notice shall include:

- a. Requested use sought in the application and current zoning of the property.
- b. Location including address and general description of the property location. If no address is assigned, a general description of location in relation to a nearby address shall suffice.
- c. Time, date, and location of the public hearing.

An affidavit of publication shall be provided to the Enforcement Officer at least ten (10) days prior to the public hearing.

2. Public Notice Signs: The applicant shall be responsible for posting a sign or signs of public notice on the property at least fifteen (15) days prior to the public hearing. Sign posting shall meet the following requirements:

- a. One (1) sign for each two hundred fifty (250) feet of street frontage with at least one (1) sign per street frontage.
- b. Signs shall be placed at the property line nearest the street and be clearly visible to passing vehicles and pedestrian traffic.
- c. 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.
- d. 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 shall result in a postponement of the public hearing of City Council agenda item until such time full compliance with posting procedure is achieved.
- e. Signs shall be supplied by the city of Sherwood and the Enforcement Officer shall determine the number of required signs. The applicant shall pay a nonrefundable fee as established § 14.02.10.G.
- f. Photographic proof of posting of the required public notice signs shall be provided to the Enforcement Officer at least ten (10) days prior to the public hearing.

3. Letters of Public Notice: The applicant shall mail, by USPS First Class mail with Certificates of Mailing, a notice of the public hearing to all property owners within three hundred (300) feet of the property, all school board members and school superintendent of the school district, and Little Rock Air Force Base (LRAFB) in which the property is located. Notice must be mailed at least fifteen (15) days prior to the public hearing. The City of Sherwood shall supply the required owner notification list.

Notice shall be made using completed form provided by the City of Sherwood which shall at least include a description of the requested use sought and current zoning of the property existing and proposed zoning district of the property, location, and date/time/location of the public hearing. The applicant may include additional information regarding the application.

Proof of mailing including Certificates of Mailing and a copy of notice letter shall be provided to the Enforcement Officer at least ten (10) days prior to the public hearing.

**D. Review Procedure**

1. Staff Review: The Enforcement Officer shall review the application and may provide a recommendation for action on the item.
2. Planning Commission Review: The Planning Commission shall hold a public hearing on the application and render a decision within at least sixty (60) business days following the closing of the public hearing. The decision deadline shall commence upon closure of the public hearing.
  - a. Amendments to the Application: An application may be amended by the applicant no later than ten (10) days prior to the public hearing for the application. In such instances, no additional public hearing shall be required.

Any amendment to an application sought later than ten (10) days prior to the public hearing for the application shall be automatically tabled following the public hearing for the application. An additional public hearing at a regular meeting of the Planning Commission shall be required. Public notice shall be given in accordance with § 14.02.10.C. and payment of a nonrefundable fee as indicated in § 14.02.10.G. shall be made before a vote by the Planning Commission may be conducted on the application.

- b. Approval: If the Planning Commission approves the application, the item shall be forwarded to the City Council for review and action.
- c. Denial: If a conditional use request is denied by the Planning Commission, written notice of denial shall be provided to the applicant within fifteen (15) days of the decision being rendered. Such written notice shall include the reasons for denial of the application. The applicant may appeal the denial to the City Council in writing, stating why they consider the Planning Commission's findings and decisions to be in error. The appeal must be filed with the Enforcement Officer within thirty (30) days of receiving the written notice of denial and shall be subject to a public hearing before the City Council. The applicant must complete the public notice requirements indicated in § 14.02.10.C. and pay the nonrefundable fee as established in § 14.02.10.G.

Appeals to the City Council shall not be reviewed de novo on the basis in which the application was denied by the Planning Commission.<sup>5</sup> If the appeals introduce new or additional information, the City Council shall remand the case back to the Planning Commission for reconsideration. If the case is remanded back to the Planning Commission,

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<sup>5</sup> Amended by Ordinance 2505 – Adopted January 27<sup>th</sup>, 2025.

an additional public hearing at a regular meeting of the Planning Commission shall be required and public notice given in accordance with § 14.02.10.C.

If no appeal is filed, the decision of the Planning Commission shall be final and no further action on the application shall take place.

3. City Council Review: The Planning Commission shall report their findings and recommendations, including recommended conditions and/or restrictions, to the City Council. The City Council may grant the application as presented, grant the application with other/additional conditions and/or restrictions, deny the application, or remand the case back to the Planning Commission, an additional public hearing at a regular meeting of the Planning Commission shall be required and public notice given in accordance with § 14.02.10.C.

**E. Standards for Approval**

The Planning Commission and/or City Council shall not approve a conditional use permit unless making a finding of fact that affirms the following:

1. Conditions imposed shall be necessary to minimize the external effects of maintenance and operation that will harm adjacent properties.
2. Negative external effects of the conditional use can be mitigated with appropriate and reasonable conditions of approval.
3. Adequate buffering devices such as fencing, landscaping, or grading are sufficiently used to protect adjacent and nearby properties.
4. Establishment of the conditional use will not impede normal and orderly development and improvement of adjacent and nearby properties.
5. Safeguards limiting noxious or offensive emissions, including lightning, noise, glare, dust, and odor have been addressed in the proposed application.
6. Traffic generated by the use will not unduly burden transportation facilities within the surrounding area.
7. The size of the site is adequate for the conditional use.
8. The conditional use will be in compliance with all applicable provisions of this code including, but not limited to, area requirements, off-street parking and loading, and landscaping for the district in which it is located.

**F. Conditions of Approval, Limitations, Expansion, Expirations, and Revocation**

1. Conditional of Approval: Reasonable conditions or restrictions upon construction, location, and operation of a conditional use may be imposed as part of approval of any conditional use. Once the conditional use is commenced all conditions shall take effect unless otherwise specified as part of approval.
2. Limitations:
  - a. The Planning Commission and City Council shall not be permitted to authorize any reduction in the minimum requirements of any provisions of this code as part of approval of a conditional use permit.
  - b. A conditional use application may not be filed for a site that has received final denial action within one (1) year from the effective date of final denial action unless authorized by the City Council.

3. Expansion: Any expansion of the use, including but not limited to, additions, substantial increase in use intensity, new buildings, new or additional parking, expansion of the use to new areas/buildings on the site, or any substantial changes in character shall require approval of a new conditional use permit.
4. Expiration: A conditional use permit shall expire if the use is not commenced within eighteen (18) months of approval or if the use ceases for a consecutive period of greater than eighteen (18) months.

Commencement shall be observed by issuance of a building permit and commencing construction per conditions of the conditional use permit. Substantial work or construction under a conditional use permit must be initiated within the defined period of approval or the permit shall expire. Upon expiration, all use of the property shall be required to revert to its status prior to approval.

The applicant may request a permit extension for a period no greater than twelve (12) months from the Enforcement Officer. The Enforcement Officer shall review the supported evidence from the application to determine active progress being made to achieve all necessary approvals to commence construction.

5. Revocation: Where any specific conditions or restrictions of a permit are violated, ignored, or otherwise not observed, the permit may be revoked. In such instances, the Enforcement Officer shall provide written notice to the property owner using Certified Mail. Such notice shall identify the alleged violation of the conditions or restrictions of the conditional use permit, required corrective action, deadline for corrective action, and right to file appeal of the determination of the Enforcement Officer. The Enforcement Officer shall designate the deadline for corrective action, giving the property owner at least thirty (30) days and no greater than ninety (90) days.

If no appeal is filed within thirty (30) days of receipt of written notice and corrective action is not taken in accordance with the deadline provided by the Enforcement Officer, the permit shall be revoked. Revocation shall be immediate, and the property shall revert to its use status prior to issuance of the conditional use permit.

If an appeal is filed, the matter shall be forwarded to the City Council for review. The City Council shall review evidence submitted by the Enforcement Officer. The property owner may additionally submit evidence to be considered by the City Council including an oral petition. The City Council shall be authorized to revoke the conditional use permit upon finding that the property owner has violated the conditions or restrictions of the permit. If such action is taken, revocation shall be immediate, and the property shall revert to its use status prior to issuance of the conditional use permit.

#### **G. Schedule of Uses**

Unless and until a fee schedule is adopted by City Council, fees shall be as follows:

<b>Conditional Use Type</b>	<b>Fee</b>
Conditional Use Application Fee	\$325.00
Amended Conditional Use Application Fee	\$150.00
Nonrefundable Appeal Fee	\$200.00
Sign Fee	\$10.00

#### **14.02.11. Site Plan Review**

A. 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.

B. The site plan review process shall apply to all applications for the following zoning uses and districts:<sup>6</sup>

1. "OS" – Open Space
2. "R-2" – Zero Lot Line, Townhouse or Row house 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. "O-1" – Special Purpose Office
9. "O-2" – General Office
10. "I-1" – Light Industry
11. Zoning Districts with any conditional use for any zoning classification.
12. Non-conforming Use, which includes changes, expansions, etc.

C. 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 parameters 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 the standards and criteria provided herein. A public hearing of a site plan proposal

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<sup>6</sup> Amended by Ordinance 1610 – Adopted April 28, 2003.

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 requires a site plan if it does not carry out the general purpose of this section.

**D. 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.

**E. Submission Requirements<sup>7</sup>**

**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 scaled site plan prepared in a professional manner shall be provided as a paper and electronic submission. The electronic submission shall include digital drawings in Autodesk .DWG file format or ESRI shapefile/geodatabase format with all data organized in a layering system and conveyed as points, polylines, and polygons. The applicant shall provide metadata for the information as a key describing the layering system. The drawings shall be in State Plane Arkansas North Zone coordinates, with the datum being North American Datum 1983 with units as feet. Both the electronics and paper submissions shall include the following:

1. Graphic scale
2. Proposed lot lines

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<sup>7</sup> All of Subsection E. amended by Ordinance 2196 – Adopted March 26, 2018.

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 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.
  5. 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.

### 3. As-Built Requirements

The submission requirements for a certificate of occupancy for any structure tied to a site plan approval shall include the following:

- a. A scaled site plan prepared in a professional manner showing the as-built conditions of the site shall be provided as a paper and electronic submission. The electronic submission shall include digital drawings in Autodesk .DWG file format or ESRI shapefile/geodatabase format with all data organized in a layering system and conveyed as points, polylines, and polygons. The applicant shall provide metadata for the information as a key describing the layering system. The drawings shall be in State Plane Arkansas North Zone coordinates, with the datum being North American Datum 1983 with units as feet. Both the electronics and paper submissions shall include the following:
  1. Graphic scale.
  2. Proposed and/or existing 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, streets and accompanying easements within the site.
7. Proposed location of structures and structural dimensions, dimension distances between buildings, and distances from structures to property lines.
8. Other data and information may be necessary for the use by the City Engineer.

**F. 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 of the following standards:

1. The proposed site plan is incomplete or contains or reveals violations of the Code or applicable district requirements 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 requirements 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 right-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 Regulations.
7. The proposed site plan violates the basic intent of this Code or does not comply with those conditions which were stipulated at the time of rezoning.

**G. 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:

1. Any change in the allowable use of the development.
2. An increase of greater than five (5) in the number of dwelling units, but not to exceed the total allowable dwelling units in the respective zoning classification.
3. Any modification compounding the problems of vehicular circulation, safety and provision of public utilities.
4. Any modification having an adverse impact on adjacent property.
5. Any reduction of the approved building setback lines

6. Any reduction of the off-street parking and loading requirements below those specified in this Code.
7. 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.

**H. 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.

**I. 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.

**14.02.12. Yard Standards, Single-Family Residential<sup>8</sup>**

When a single-family dwelling is established and the dwelling is placed in a manner where the setback of the structure exceeds the minimum front yard setback, the front edge of the dwelling closest to the front property line shall become the front yard setback for the lot or parcel and may not be diminished without approval of the Board of Zoning Adjustment.

**A. Front Yard.**

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

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<sup>8</sup> Amended by Ordinance 2524 – Adopted November 24, 2025.

## **CHAPTER 14.03. OPEN SPACE DISTRICTS**

Sections:

- 14.01.01 Title
- 14.01.02 Purpose
- 14.01.03 Authority
- 14.01.04 Jurisdiction

### **14.03.01. 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 country clubs where these uses compromise a significant component of the city’s open space network.

### **14.03.02. 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:

- A. Dedication of open space to the municipality or an appropriate public agency if there is a public agency willing to accept the dedication.
- B. Common ownership of the open space by a homeowner’s association which assumes full responsibility for maintenance.
- C. Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide for maintenance.

### **14.03.03. Development Criteria**

Unless otherwise specifically provided in this Code the following development criteria shall apply to the “OS” district.

- A. Dumping of trash, waste or offensive materials or the creation of a junkyard of any kind shall be expressly prohibited.
- B. The location of off-premises outdoor advertising shall be prohibited.
- C. Where the “OS” District is established, all such areas shall remain in their natural state unless otherwise authorized by the City of Sherwood.
- D. In no case shall a buffer of “OS” zoning be less than fifty (50) feet wide.
- E. 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.

### **14.03.04. 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 14.02.10 of this Code. Some uses which are characteristic of an open space district and which may be considered for conditional use are listed:

- A. Municipal, governmental, private or philanthropic, recreational use, including parks, playgrounds, tennis courts, golf courses, skating rinks, and biking or bridle paths.
- B. Country clubs, golf courses, 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.
- C. Wildlife refuge or bird sanctuary.
- D. Greenhouses and structures associated with an arboretum.
- E. Recreation, refreshment and service buildings in parks, playgrounds, and golf courses.
- F. Parking facilities.

**14.03.05. Area**

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.

## **CHAPTER 14.04. RESIDENTIAL ZONING DISTRICTS**

Sections:

- 14.04.01 Single Family Residential District (R-1)
- 14.04.02 Multi-Family Residential District (R-2)
- 14.04.03 Multi-Family Residential District (R-3)
- 14.04.04 Manufactured Housing District (R-4)
- 14.04.05 Manufactured Home Park District (MHP)

### **14.04.01. Single Family Residential District (R-1)**

#### **A. Purpose and Intent**

The R-1 Single Family Residential 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 SF on the Sherwood Land Use Plan. Single family manufactured homes and mobile homes as defined in this Code are not permitted by right in the R-1 zone.

#### **B. Permitted Uses**

One single family dwelling as the primary or principal use on a lot of record.<sup>9</sup>

#### **C. Accessory Buildings and Uses<sup>10</sup>**

Any accessory building shall be located on the same lot with the principal building. 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, subject to 2.b below, do not include any activity commonly conducted as a business.

##### ***1. Accessory buildings:***

- a. Private garages, storage sheds or buildings for the storage of household related goods, and children's playhouses.
- b. Private greenhouses for non-commercial horticultural purposes.
- c. Gazebos and pool houses.
- d. Shops for personal and hobby use.
- e. Doghouses and other shelters for domesticated animals.

##### ***2. Accessory uses:***

- a. Flower and vegetable gardens.
- b. Home occupations in compliance with Section 14.10.05 of this Code.
- c. Swimming pools, tennis courts, and similar recreational facilities.
- d. Accessory Dwelling Unit in compliance with Section 14.10.16 of this Code.

##### ***3. Temporary uses:***

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<sup>9</sup> Amended by Ordinance 2256 – Adopted July 22, 2019.

<sup>10</sup> Amended by Ordinance 1941 – Adopted June 25, 2012.

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

- a. Recreational vehicles, camping trailers, boats and trailers and the like may be stored in the rear yard of the principal structure.
- b. 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:
  1. 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.
  2. 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.
- c. Garage, carport, or yard sales not 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.

**D. 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 14.02.10 (Conditional Use Review) for required submissions, etc.

1. Churches and other religious institutions and their accessory buildings and uses.
2. Educational institutions, including but not limited to colleges, universities, public and private elementary, junior and senior high schools and their accessory buildings and uses.
3. Public utility buildings and facilities when necessary for serving the surrounding area provided that no public business office and no repair or storage facility are maintained herein.
4. Municipal or governmental recreation use, including public parks, playgrounds, tennis courts, golf courses, community centers, fire stations, museums, libraries, and other similar uses.
5. Country clubs, golf courses, swimming pools, 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.
6. Zero lot line houses.<sup>11</sup>
7. Municipally owned public works buildings and facilities when necessary for serving the city.<sup>12</sup>

**E. Height**

The principal structure shall be a maximum height of forty (40) feet; however, all other structures or man-made objects, except accessory buildings, shall not exceed a height of thirty-five (35) feet.<sup>13</sup>

**F. Yard Standards**

1. *Front Yard* – There shall be a front yard setback having a depth of not less than twenty-five (25) feet. *(Reference Section 14.02.12 for additional front yard guidance)*

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<sup>11</sup> Amended by Ordinance 1701 – Adopted May 22, 2006.

<sup>12</sup> Amended by Ordinance 2257 – Adopted July 22, 2019.

<sup>13</sup> Amended by Ordinance 1353 – Adopted August 25, 1997.

2. **Side Yard** – There shall be a side yard setback on each side of the principal 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, unless both of the following criteria shall be documented on the plat, in which case the side yard setback shall be no less than fifteen (15) feet:<sup>14</sup>
  - a. The side street of the corner lot provides no vehicular access to any portion of the property, and
  - b. The same corner lot has a rear lot line that is adjacent to a greenspace or other unbuildable area separating it from an interior lot on the same side street.
3. **Rear Yard** – There shall be a rear yard setback for the principal building having a depth of not less than twenty-five (25) feet.

**G. 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.

**H. Lot Coverage**

The main building (principal use) and all accessory buildings on a lot shall not occupy more than forty-five (45) percent of the total area of the lot.<sup>15</sup>

Exception: Higher density development, for example, reduced setback patio home development, may be approved for higher density lot coverage through the platting process providing exceptions are noted on the final plat and bill of assurance. Such approval may involve a storm water mitigation plan.

**I. Off-Street Parking**

See Chapter 14.12.

**14.04.02. Multi-Family Residential Districts (R-2)**<sup>16</sup>

**A. Purpose and Intent**

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 a 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.

**B. Permitted Uses**

1. Single family dwellings
2. Duplex, triplex and fourplex dwellings
3. Structure utilizing zero lot-line, townhouse or row house 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.

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<sup>14</sup> Amended by Ordinance 2363 – Adopted April 26, 2021.

<sup>15</sup> Amended by Ordinance 2166 – Adopted October 23, 2017.

<sup>16</sup> Amended by Ordinance 1439 – Adopted May 24, 1999.

**C. Site Plan Review and Planned Unit Development**

Pursuant to the procedure hereinafter set forth, when a proposal is made to develop zero-lot line, townhouse, or row house dwellings in the R-2 district a Planned Unit Development shall be required. See Chapter 14.08 of this Code for the procedure and requirements of a PUD. When a proposal is made only to rezone property to the R-2 district, a Site Plan Review shall be required. See Section 14.02.11 of this Code for the procedure and requirements of a Site Plan Review.<sup>17</sup>

**D. 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 uses in the R-2 district as specified in the approval process (see Section 14.02.10 of this Code).

**E. Height**

No building hereafter erected or structurally altered shall exceed a height of thirty-five feet (35') or be more than two and one half (2 ½) stories.<sup>18</sup>

**F. Yard Standards**

1. *Front Yard*- There shall be a front yard setback having a depth of not less than twenty-five (25) feet.
2. *Side Yard*<sup>19</sup>
  - a. 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, unless both of the following criteria shall be documented on the plat, in which case the side yard setback shall be no less than fifteen (15) feet:
    1. The side street of the corner lot provides no vehicular access to any portion of the property, and
    2. The same corner lot has a rear lot line that is adjacent to a greenspace or other unbuildable area separating it from an interior lot on the same side street.
  - b. 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.
  - c. Structures utilizing the townhouse or row house 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.
3. *Rear Yard* – There shall be a rear yard setback for the principal building having a depth of not less than twenty-five (25) feet.

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<sup>17</sup> Amended by Ordinance 1768 – Adopted January 28, 2008.

<sup>18</sup> Amended by Ordinance 1353 – Adopted August 25, 1997.

<sup>19</sup> Amended by Ordinance 2363 – Adopted April 26, 2021.

**G. 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 fifty (50) feet.
3. Single family attached units declared to be townhouse or row house 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 row house 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.
4. The minimum site area for a triplex, fourplex, zero-lot line, and townhouse or row house in the R-2 district shall be one (1) acre.

**H. Off-Street Parking**

See Chapter 14.12.

**14.04.03. Multi-Family Residential (R-3)**

**A. Purpose and Intent**

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 Code that this district be utilized in or near areas indicated on the Sherwood Land Use Plan as Large-Scale Multi-Family (S-APT). 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.

**B. Site Plan Required**

Pursuant to the procedures hereinafter set forth, when a proposal is made to develop multi-family dwellings in the R-3 district, a Site Plan Review shall be required.

**C. 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.

**D. Accessory, Temporary and Conditional Uses**

1. Accessory, temporary, and conditional uses shall include those in the R-1 and R-2 districts.
2. Nursing homes may be permitted as a conditional use.
3. An increased density to not more than twenty-four (24) units per gross acre and decreased minimum lot area per dwelling unit to not less than one thousand eight hundred and fifteen (1,815) square feet may be permitted conditionally.

**E. Height**

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet or be more than two and one-half (2 ½) stories.<sup>20</sup>

**F. Area Standards**

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 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.

**G. Off-Street Parking**

See Chapter 14.12 (Off-Street Parking may be reduced for retirement center multi-family).

**H. Facades**

One hundred (100) percent of all building façade walls visible at all from any adjacent public street shall be constructed of high quality materials, which shall be limited to any combination of the following: brick, pre-cast textured concrete, natural or cultured stone, mortar, glass, tile, split face or architectural-faced concrete blocks, Hardiplank, or similar concrete material, and/or high strength exterior finish insulation system (EFIS) or Dryvit. For any building façade wall or walls not visible from any adjacent public street, high quality, non-ribbed metal materials with a minimum plank width of twelve (12) inches may be used provided they comply with all relevant Sherwood Ordinances and regulations.<sup>21</sup>

**14.04.04. R-4 Manufactured Housing Districts ("Class A")**

**A. Purpose and Intent**

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 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).

**B. Permitted Uses**

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

**C. 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 14.02.10).

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<sup>20</sup> Amended by Ordinance 1353 – Adopted August 25, 1997.

<sup>21</sup> Amended by Ordinance 2155 – Adopted June 26<sup>th</sup>, 2017.

**D. Height**

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.<sup>22</sup>

**E. Yard Standards**

1. *Front Yard* – There shall be a front yard setback having a depth of not less than twenty-five (25) feet.
2. *Side Yard* – There shall be a side yard setback on each side of the principal 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 fifteen (15) feet.
3. *Rear Yard* – There shall be a rear yard setback for the principal building having a depth of not less than twenty-five (25) feet.

**F. 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.

**G. Lot Coverage**

The main building (principal 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 1/3) percent of the total area of the lot.

**H. Off-Street Parking**

See Chapter 14.12.

**I. “Class A” Manufactured Housing Code Requirements**

1. 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:
  - a. Standard Building Code
  - b. Arkansas State Plumbing Code
  - c. National Electric Code
  - d. Code for Energy Conservation in New Building Construction
  - e. Any additional codes and regulations which may be in effect
2. “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.
3. *“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

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<sup>22</sup> Amended by Ordinance 1353 – Adopted August 25, 1997.

*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. *"Class A" Manufactured Housing Appeals Procedure*

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

**14.04.05. MHP Manufactured Home Park District**

A. Purpose and Intent

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 site and providing for the development of manufactured home parks or courts at appropriate locations. It is the intent of this Code 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.

B. 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 Code (Section 14.02.11).
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 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.<sup>23</sup>
6. No manufactured home space occupying a double frontage lot shall take access on a dedicated public street.

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<sup>23</sup> Amended by Ordinance 2253 – Adopted June 24, 2019.

C. Permitted Uses

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

D. Accessory Uses

1. Accessory buildings, including private garages, storage facilities, children's playhouses, and greenhouses.
2. 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.

E. Temporary Uses

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

F. Conditional Uses

Conventional, site-built, single family residential buildings.

G. Height

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

H. Area

1. *Site Area:* The minimum site area shall be twenty (20) acres.
2. *Exterior Setback:* The minimum setback from any exterior property line shall be twenty-five (25) feet.
3. *Interior Setback:* The minimum setback from any interior drive shall be twenty (20) feet.
4. *Average Tract Width:* The average width of a manufactured home park space shall be not less than forty (40) feet.
5. *Mobile Home Separation:* The minimum separation between manufactured homes shall be sixteen (16) feet.
6. *Density:* The maximum allowable density in any manufactured home park shall be ten (10) mobile homes per gross acre.
7. *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.

I. Off-Street Parking

See Chapter 14.12.

## **CHAPTER 14.05. COMMERCIAL ZONING DISTRICTS**

Sections:

- 14.05.01 General Information
- 14.05.02 General Commercial Zoning District Restrictions
- 14.05.03 Neighborhood Commercial District (C-1)
- 14.05.04 Light Commercial District (C-2)
- 14.05.05 Shopping Center District (C-SC)
- 14.05.06 General Commercial District (C-3)
- 14.05.07 Highway Commercial and Open Display District (C-4)

### **14.05.01. General Information**

The Commercial Districts established by this Code 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 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 areas, 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 Sherwood 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.
- D. The "C" Commercial Districts shall be cited in this regulation and on the official zoning map of Sherwood, Arkansas as follows:
  - 1. "C-1" Neighborhood Commercial District
  - 2. "C-2" Light Commercial District
  - 3. "C-SC" Shopping Center District
  - 4. "C-3" General Commercial District
  - 5. "C-4" Open Display and Highway Commercial District

### **14.05.02. General Commercial 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 six hundred (600) feet of a residential structure.
- C. All signage shall be in accordance with the provisions Chapter 14 herein.
- D. Any commercial property developed in a commercial zone which abuts property zoned for residential purposes shall provide a permanent fence along such property line(s), subject to the requirements of Section 14.10.02.<sup>24</sup>
- 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.<sup>25</sup>

#### **14.05.03. Neighborhood Commercial District (C-1)**

##### **A. Purpose and Intent**

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 preferably be located in conjunction with existing “C-1” Neighborhood Commercial Districts. “C-1” is very appropriate in locations along arterials which abut sensitive residential areas.

##### **B. Development Criteria**

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 14.02.11).

1. Outdoor display or storage of goods and services 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 permanent.
2. Open storage can be temporarily stored or displayed during normal business hours. Normal business hours shall be construed as hours of business operating for the purpose it is intended.<sup>26</sup>
3. No single establishment shall have more than five thousand (5,000) square feet of gross leasable floor area.

##### **C. Permitted and Conditional Uses**

Retail only: Refer to the “Schedule of Uses” in Chapter 14.18 of this Code.

##### **D. Height**

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.<sup>27</sup>

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<sup>24</sup> Amended by Ordinance 2313 – Adopted August 24, 2020.

<sup>25</sup> Amended by Ordinance 1242 – Adopted September 25, 1995.

<sup>26</sup> Amended by Ordinance 1513 – Adopted January 22, 2001.

<sup>27</sup> Amended by Ordinance 1353 – Adopted August 25, 1997.

**E. Yard Standards**

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 (see Lot Line, Front – definition).<sup>28</sup>

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.

**F. Lot Area**

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.

**G. 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.

**H. *Deleted by Ordinance 2313 – Adopted August 24, 2020.***

**I. Parking**

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 on-half (1 ½) 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 14.12.

**14.05.04. Light Commercial District (C-2)**

**A. Purpose and Intent**

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.

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<sup>28</sup> Amended by Ordinance 934 – Adopted July 23, 1990.

**B. Development Criteria**

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 14.02.11).

1. Open storage can be temporarily stored or displayed during normal business hours shall be construed as hours of business operating for the purpose it is intended.<sup>29</sup>
2. All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, and promotional events.<sup>30</sup> 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 Regulations 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. 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.

**C. Permitted and Conditional Uses**

Retail only: Refer to “Schedule of Uses” in Chapter 14.18 of this Code.

**D. Height**

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.<sup>31</sup>

**E. Yard Standards**

**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 (see definition of Lot Line, Front).<sup>32</sup>

**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.

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<sup>29</sup> Amended by Ordinance 1513 – Adopted January 22, 2001.

<sup>30</sup> Amended by Ordinance 2458 – Adopted August 28, 2023.

<sup>31</sup> Amended by Ordinance 1353 – Adopted August 25, 1997.

<sup>32</sup> Amended by Ordinance 934 – Adopted July 23, 1990.

F. Lot Area

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.

G. Lot Coverage

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

H. *Deleted by Ordinance 2313 – Adopted August 24, 2020.*

I. Parking

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  $\frac{1}{2}$ ) 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 Chapter 14.12.

**14.05.05. Shopping Center District (C-SC)**

A. Purpose and Intent

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.

B. Development Criteria

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 approved by the Planning Commission.
2. All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, and promotional events.<sup>33</sup> 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 Regulations and any special circumstances which may prevail at the specific site. The special circumstances will be addressed in the required site plan.

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<sup>33</sup> Amended by Ordinance 2458 – Adopted August 28, 2023.

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.

C. Permitted Uses and Conditional Uses

Retail only: Refer to the "Schedule of Uses" in Chapter 14.18 of this Code.

D. Height

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.<sup>34</sup>

E. Area Standards

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.

F. *Deleted by Ordinance 2313 – Adopted August 24, 2020.*

G. 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 Chapter 14.12.)

**14.05.06. General Commercial District (C-3)**

A. Purpose and Intent

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.

B. Permitted and Conditional Uses

1. Refer to the "Schedule of Uses" in Chapter 14.18 of this Code.
2. *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.<sup>35</sup>

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<sup>34</sup> Amended by Ordinance 1353 – Adopted August 25, 1997.

<sup>35</sup> Amended by Ordinance 1127 – Adopted February 28, 1994.

C. *Deleted by Ordinance 2313 – Adopted August 24, 2020.*

D. **Parking Requirements**

Any area subject to wheeled traffic and devoted to parking, driveways, and off-street maneuvering space developed to meet the requirements of this district shall be paved. The minimum pavement requirements shall be as follows: one and one-half (1 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 Chapter 14.12.)

E. **Yard Standards**

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.<sup>36</sup> 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.<sup>37</sup>

2. *Side Yard*

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.

3. *Rear Yard*

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.

F. **Lot Standards**

1. Lot area shall not be less than the minimum of ten thousand (10,000) square feet.
2. Lot width shall not be less than one hundred (100) feet at the building line.
3. Lot depth shall not be less than one hundred (100) feet.

G. **Lot Coverage**

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

H. **Height**

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

I. **Outdoor Storage**

Open storage can be temporarily stored or displayed during normal business. Normal business hours shall be construed as hours of business operating for the purpose it is intended.<sup>38</sup>

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

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<sup>36</sup> Amended by Ordinance 934 – Adopted July 23, 1990.

<sup>37</sup> Amended by Ordinance 993 – Adopted July 22, 1991.

<sup>38</sup> Amended by Ordinance 1513 – Adopted January 22, 2001.

required parking spaces. A variance may be granted by the Board of Adjustment in cases where outdoor storage is to be located in the front or side yards.<sup>39</sup>

#### **14.05.07. Highway Commercial and Open Display District (C-4)**

##### **A. Purpose and Intent**

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.

##### **B. Permitted Uses and Conditional Uses**

1. Refer to the “Schedule of Uses” in Chapter 14.18 of this Code.
2. Open storage can be permanently stored in a C-4 zone. Merchandise under the original eaves or original overhands of the principal 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.<sup>40</sup>

##### **C. *Deleted by Ordinance 2313 – Adopted August 24, 2020.***

##### **D. Parking**

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

##### **E. Height and Area Requirements**

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

##### **F. Criteria for considering manufacturing a conditional use<sup>41</sup>**

1. May be permitted if no other permits such as environmental permits (air pollution or industrial pretreatment for wastewater);
2. Light industrial technology is allowed where it does not affect the area infrastructure and pose a risk to the residents nearby;
3. The Fire Code Official shall approve the proposed use, based on current fire codes, prior to submittal to the Planning Commission for a recommendation to the City Council.

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<sup>39</sup> Amended by Ordinance 1103 – Adopted April 26, 1993.

<sup>40</sup> Amended by Ordinance 1513 – Adopted January 22, 2001.

<sup>41</sup> Amended by Ordinance 1679 – Adopted September 26, 2005.

## **CHAPTER 14.06. OFFICE DISTRICTS**

Sections:

- 14.06.01 General Statement of Purpose
- 14.06.02 District Subdivisions
- 14.06.03 District Restrictions
- 14.06.04 Special Purpose Office District (O-1)
- 14.05.05 General Office District (O-2)

### **14.06.01. General Statement of Purpose**

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 been built in association with shopping 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.

### **14.06.02. District Subdivisions**

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

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

### **14.06.03. District Restrictions**

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

- A. 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.
- B. All trash receptacles and pickup shall be screened from view from the adjacent streets and shall be screened from view from abutting residential property.
- C. All signs shall be in compliance with the provisions of Chapter 14.11 of the Code.<sup>42</sup>
- D. Screening as follows: Any permitted use developed in an office district zone which abuts property zoned for residential purposes shall provide a permanent fence along such property line(s), subject to the requirements of Section 14.10.02.<sup>43</sup>

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<sup>42</sup> Amended b Ordinance 2484 – Adopted April 22, 2024.

<sup>43</sup> Amended by Ordinance 2313 – Adopted August 24, 2020.

#### **14.06.04. Special Purpose Office District (O-1)**

##### **A. Purpose and Intent**

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) employees 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.

##### **B. Permitted Uses**

1. 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)
2. Church
3. Clinic (human medical, dental, chiropractic or optical)

##### **C. Conditional Uses**

1. Library, art gallery, museum or similar public use
2. Studio (art, drama, speech, dance or similar skills)
3. Financial institution (drive-in)
4. Photography studio

##### **D. Height**

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.<sup>44</sup>

##### **E. Yard Standards**

###### **1. *Front Yard***

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.

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<sup>44</sup> Amended by Ordinance 1353 – Adopted August 25, 1997.

F. Lot Area

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.

G. 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.

H. *Deleted by Ordinance 2313 – Adopted August 24, 2020.*

I. 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 Chapter 14.12.)

**14.06.05. General Office District (O-2)**

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 Sherwood 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.

B. 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 this Code.
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 present 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.

C. Permitted Uses

1. 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)
2. Church
3. Clinic (human medical, dental, chiropractic or optical)

D. 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.

1. barber and beauty shop
2. bar, lounge, or tavern
3. book and stationery store
4. camera shop
5. drug store or pharmacy
6. eating place without drive-in service
7. florist shop
8. health studio or spa
9. optical shop
10. tobacco and smokers pipe shop

E. Conditional Uses

1. library, art gallery, museum or similar public use
2. studio (art, drama, speech, dance or similar skills)
3. financial institution (drive-in)
4. photography studio
5. multi-family in accordance with height and area restrictions for R-3
6. hotel or motel
7. parking, commercial lot or garage

F. Height

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.<sup>45</sup>

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<sup>45</sup> Amended by Ordinance 1353 – Adopted August 25, 1997.

G. Yard Standards

1. Front Yard – forty feet (40')
2. Side Yard – twenty-five feet (25')
3. Rear Yard – twenty-five feet (25')

H. 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-stranding 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.

I. *Deleted by Ordinance 2313 – Adopted August 24, 2020.*

J. Parking

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

## **CHAPTER 14.07. INDUSTRIAL DISTRICTS**

Sections:

- 14.07.01 General Statement of Purpose
- 14.07.02 Light Industrial District (I-1)

### **14.07.01. General Statement of Purpose**

The zoned industrial districts provided for in this Code 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 Code. This group 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 that also have sever 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 are an acceptable neighbor in an urban environment.

### **14.07.02. Light Industrial District (I-1)**

#### **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 facilitate 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 users 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.

#### **C. Permitted and Conditional Uses**

Refer to the “Schedule of Uses” in Chapter 14.18 of this Code.

D. Height

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

E. Yard Standards

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 line to the building. In the case of double frontage lots, the rear yard setback shall be increased to fifty (50) feet.

F. Lot Area

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.

G. Lot Coverage

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

H. Off-Street Parking

See Chapter 14.12.

## **CHAPTER 14.08: PLANNED UNIT DEVELOPMENTS DISTRICTS (PUD)**<sup>46</sup>

Sections:

- 14.08.01 Purpose and General Provisions
- 14.08.02 Minimum Size and Use Criteria
- 14.08.03 Development Standards
- 14.08.04 Review and Approval Types
- 14.08.05 Zoning Plan Review and Approval Procedure
- 14.08.06 Final Development Plan Review and Approval Procedure
- 14.08.07 Application Requirements
- 14.08.08 Modifications
- 14.08.09 Revocation

### **14.08.01: Purpose and General Provisions**

The properties previously developed under the Planned Commercial District (PCD) and Planned Residential District (PRD) provisions are now known as Planned Unit Developments (PUDs).

The purposes of the Planned Unit Development district are to promote flexibility and innovation in design, in both small and large-scale developments, while encouraging the simultaneous development of multiple amenities beneficial to both the users of the development and the City as a whole. Planned Unit Developments are also intended for use in creative and innovative development of vacant in-fill parcels in the built-up areas of the City, and the incorporation of open space in developments.

In concept, the Planned Unit Development (PUD) is a combination of zoning designation and development plan. The approval process is designed to encourage innovation by the developer by allowing submittal of engineered plans, known as a Final Development Plan, after approval of a Zoning Plan to rezone the property. Development must follow the approved Final Development Plan exactly. Failure in this respect can result in revocation of the PUD. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations.

### **14.08.02: Minimum Size and Use Criteria**

PUD applications shall meet the following criteria before they will be considered for review and approval.

PUDs may be residential, commercial, industrial, or mixed-use in nature. Mixed-use PUDs may incorporate multiple uses in a development, property, or single-use structure.

The minimum size for PUDs which incorporate residential or mixed uses shall be three (3) acres. The minimum size for PUDs which incorporate commercial or industrial uses shall be one (1) acre.

### **14.08.03: Development Standards**

#### **A. General**

A PUD shall meet at least one of the following threshold requirements:

1. Conform to the permitted use within the existing zoning district in which the PUD is being proposed; or,
2. Be consistent with the general character of the land use classification of the subject property in the City's Land Use Plan; or,
3. Be substantially similar to and compatible with adjacent property; or,

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<sup>46</sup> Chapter amended in its entirety by Ordinance 2213 - Adopted September 24, 2018.

4. Permit the development of an infill property that because of existing limitations could not be developed under the provisions of any existing zoning district in a manner that would be physically possible and remain in conformance with policies or provisions of the City's adopted plans. Further, implementation of a PUD applies only to the provisions of the zoning and subdivision codes and does not imply approval of developments that violate any other municipal laws or those of the state and federal governments.<sup>47</sup>

B. Development Density

All plans shall clearly depict the proposed density by land use category. Residential density shall be depicted in the manner described in paragraph D, item 1 below titled "Residential Density". Non-residential density shall be expressed as Floor Area Ration.

C. Setbacks

Building setbacks will be designed in such a manner that they create a harmonious grouping of buildings, allow maintenance of streets and utilities, do not violate any safety codes including the Arkansas Fire Prevention Code, and do not restrict the provision of emergency or public services.

D. Lot Size and Area Requirements

No minimum lot sizes are established. Housing and development can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of natural features and topography. The following restrictions apply;

1. *Residential Density*

Residential density for any development shall not exceed the following standards as measured by dwelling units per developable acre (dua). Calculation shall not include areas devoted to surface streets and surface drainage improvements. This shall be computed by the equation below:

$$\text{Housing Units} / (\text{Developable Land} + \text{Common Usable Open Space}) = \text{Residential Density}$$

Single-Family:	7 dua
Single-Family Zero Lot Line:	7 dua
Duplex:	9 dua
Townhouses/Condominium:	11 dua
Multi-Family (1-2 stories):	18 dua
Multi-Family (3 stories or more):	24 dua
Mixed-Use with multi-family:	36 dua

E. Open Space Reservation

Land not used by buildings, accessory structures, yards, streets, or drainage shall be maintained as common usable open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment.

1. PUDs with exclusively residential land use shall designate at least fifteen (15) percent of the total development area to common usable open space. All other PUDs shall designate at least ten (10) percent of the total development area to common usable open space.

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<sup>47</sup> Amended by Ordinance 2346 – Adopted February 22, 2021.

2. No more than one-half (1/2) of the common usable open space in a development may be covered by water.
3. No more than one-half (1/2) of the common usable open space may have a slope greater than fifteen (15) percent.

**F. Amenities**

Developments shall include at least two (2) amenities from the following: greenbelt buffer of at least thirty (30) feet in width, picnic area, gazebo, dog park, common swimming pool, club house, playground, walking trail, recreational fields, architectural fencing, public art installation, outdoor plaza, and bike racks. This list should not be considered exhaustive, and other amenities may be considered for review upon request of the applicant.

**G. Building Design**

All the items below shall apply to commercial and mixed-use (commercial/residential) developments. Items 1 and 3 shall additionally apply to residential developments.

1. Residential or commercial uses shall incorporate architectural materials in the design of all structures. All façade walls shall be composed of one hundred percent architectural materials including at least two (2) of the following materials on each façade wall: brick, exterior insulation finish systems (EIFS/Dryvit), architectural concrete blocks, glass, pre-cast concrete, native stone, wood, tile, stucco (3 step process), fiber cement siding, aluminum composite panels (ACP), or flush metal paneling. ACP and flush metal paneling may not compose more than twenty-five (25) percent of the area of any one façade wall. This list should not be considered exhaustive, and other materials may be considered for review upon request of the applicant.
2. Commercial or mixed-use (commercial/residential) structures shall have a front building façade with windows, glazing, and/or doors comprising no less than twenty (20) percent of its total square footage.
3. The vertical plane of each façade of the building shall not be completely flat but shall be broken vertically in at least one location by a minimum of a one (1) foot differential in the vertical plan for each one hundred (100) feet of horizontal surface or a minimum of one (1) time, whichever is more stringent. This requirement may be met by a recessed or extended entrance. Coursing or use of at least two (2) different architectural materials may be considered to meet this requirement on sidewall facades.

**H. Common Usable Open Spaces – Future Phase Construction**

If common usable open space and common space improvements required for a development are planned for construction in future phases, a performance bond shall be required. Prior to the sale of any lot, site, home or other structure, a bond of sufficient surety determined by the Enforcement Officer shall be posted with the City for completion of said common usable open space improvements. The amount of the bond shall reflect one hundred and fifty (150) percent of the Enforcement Officer's estimate for completing the required improvements. The Zoning Plan shall clearly depict the amount of land to be used and maintained as permanent common usable open space.

**I. Sidewalk System**

The development shall be subject to the sidewalk requirements contained in this Code and the Sherwood Subdivision Rules and Regulations and Sherwood Master Street Plan. The developer may optionally propose an alternative pedestrian circulation system, provided pedestrian access is given to each lot within the development.

**J. Landscaping**

All developments shall provide landscaping that at a minimum meets the spirit and intent of the landscaping regulations contained within this Code. Landscaping shall be designated to complement the site's topography and create a discernible amenity for the development.

**K. Bills of Assurance, Covenants, Trusts, and Homeowner Associations**

The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures, and similar common elements. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreational areas, and common owned facilities shall be reviewed by the City Attorney as to legal form and effect, and by the Planning Commission as to the sustainability for the proposed use of the common owned facilities.

If common owned facilities are deeded to a homeowner association or improvement district, the developer shall file with the approved Final Plat/Final Development Plan a declaration of covenants and restrictions in the bill of assurance. The City of Sherwood shall have the authority to require the creation of an improvement district instead of a homeowner/property owner's association, if deemed necessary by the Administrative Official. The following is required:

1. The homeowner association or improvement district must be legally established before building permits are granted.
2. Membership/participation and fees must be mandatory for each property buyer and successive buyer in perpetuity unless allowed to be discharged by the City of Sherwood.
3. The open space restrictions must be made permanent through a deed restriction.
4. The association or improvement district must be responsible for the maintenance of all common owned facilities covered by the agreement and for all liability, taxes, and other assessments.
5. Homeowners/property owners must pay their pro-rate share of the initial cost and on-going maintenance, and the maintenance assessment levied by the association/district must be stipulated as a potential lien on the property or appropriate process if an improvement district.
6. The association/improvement district must be able to adjust the assessment to meet changed needs.

**L. Responsibility for Open Space**

Nothing in this Code shall be construed as assigning or assuming any responsibility or liability on the part of the City of Sherwood for maintenance of any private open areas, parks, or recreational facilities. A hold harmless clause shall be incorporated in the covenants conveying with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties. Acceptance of any lands shall require action by the City Council.

**M. Private Street Conversion**

Private streets that are requested to be converted to public ownership shall be required to be improved to City standards prior to dedication to the City. The owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owner shall not be compensated for any street dedicated to public

use. Any private street conversion shall be subject to the maintenance bond requirements found in Sherwood Subdivision Rules and Regulations.

N. Land Subdivision

In the construction and installation of all subdivision improvements in the PUD, said improvements shall conform to all requirements and standards as set forth in the Sherwood Subdivision Rules and Regulations. The provisions of this section are not intended to relieve the Developer from meeting any requirements or provisions of the Sherwood Subdivision Rules and Regulations.

**14.08.04: Review and Approval Types**

The PUD approval process shall consist of two (2) forms of review procedure:

- A. Zoning Plan Review and Approval
- B. Final Development Plan and Approval
  1. *Short Form*: Developments contained on one-lot that are not intended for re-subdivision into additional lots
  2. *Long Form*: Developments intended to plat property into two (2) or more lots.

**14.08.05: Zoning Plan Review and Approval Procedure**

A. Pre-application Conference

Before submitting an application for PUD approval, the owner, authorized agent, or developer shall confer with the Enforcement Officer. The intent of this conference is to provide guidance to the applicant prior to incurring substantial legal and engineering expense in the preparation of plans. An additional purpose is to ensure proper information is provided with a formal PUD application. The Enforcement Officer will discuss the applicant's potential application and inform the applicant of any perceived potential problems that might arise in the development process.

- B. The Zoning Plan shall consist of a site plan for the development without the submittal of an engineered site plan and construction plans. Approval of the Zoning Plan shall have the effect of rezoning the property.
  1. Before an application can be considered, a complete application with the PUD application fee must be filed and paid with the Enforcement Officer.
  2. The Enforcement Officer shall review the application and provide comments to the applicant for revision of the plans. A public hearing for the Zoning Plan shall be set no later than sixty (60) days after filing the application. The procedures for rezonings or zoning amendments shall govern the process for arranging the public hearing.
  3. A public hearing shall be conducted. If the applicant requests deferral of a decision on the application to allow modification, the application which is deferred shall be subject to an additional public hearing to allow public comment. If the request for deferral is made at the same meeting at which the public hearing was conducted, the Planning Commission may allow the public hearing to be continued at the following regular meeting of the Planning Commission without being re-advertised. If the request for deferral is made after the Planning Commission meeting, a new public hearing and new notifications/advertising shall be required.
  4. Unless a deferral is requested by the applicant, the Planning Commission shall render a decision to approve, approve conditionally, or deny the application within sixty (60) days of the public hearing.

5. To approve a PUD Zoning Plan, the Planning Commission shall find the following:
  - a. The PUD provides public benefits that would not be achievable through the normal zoning regulations.
  - b. Adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in place to ensure adequate public utilities will be available to service the property
  - c. The development will not impose substantial negative external impacts on or prevent the orderly development of adjacent property.
  - d. The development's land use is permitted in the underlying zoning district, is compatible with the City's Land Use Plan, or is substantially similar to the adjacent property.
  - e. The development does not endanger the public health, welfare, or safety.
  - f. The development's design and intent is consistent with the purpose of the PUD regulations as detailed in Section 14.08.01.
6. For any application that is conditionally approved by the Planning Commission, the applicant shall have ninety (90) days to submit modified plans. These plans shall be reviewed by the Enforcement Officer to determine if the modified plans comply with the Planning Commission's conditional approval. The Enforcement Office shall provide a written report of his/her findings to the Planning Commission and City Council. If the Enforcement Officer finds the modified plans do not conform to the Planning Commission's conditional approval, the application shall be referred back to the Planning Commission for review and shall not proceed for consideration to the City Council until approved by the Planning Commission. The City Council will not consider any conditionally approved application for which modified plans have not been provided or any conditionally approved application for which modified plans have not been provided or any conditionally approved application where the modified plans have not been reviewed by the Enforcement Officer.
7. Approved and properly modified conditionally approved applications shall be forwarded to the City Council for approval. The City Council shall render a decision to approve or deny the application by an ordinance to rezone the property. The City Council may also refer the application back to the Planning Commission for reconsideration and modification without an additional public hearing.

**14.08.06: Final Development Plan Review and Approval Procedure**

- A. The Final Development Plan shall either be a Short Form or Long Form.

1. *Short Form PUD*

Developments contained on one lot that are not intended for re-subdivision into additional lots. The Final Development Plan shall consist of the Zoning Plan and submittal of engineered site plan and construction plans and meeting the submission requirements of 14.08.07.

2. *Long Form PUD*

Developments intended to plat property into two (2) or more lots. The first step is the process of preparing the Long Form Final Development Plan is preparation and submission of a Preliminary Plat, which conforms to the procedures and requirements of the Sherwood Subdivision Rules and Regulations. An application for a Final Development shall not be accepted by the Enforcement Officer until and unless a Preliminary Plat for the property has been approved by the Planning Commission. The submission shall meet the requirements of 14.08.07.

The Final Development Plan shall consist of the Zoning Plan and submittal of a Final Plat application. The Final Plat application shall be subject to the regulations and requirements of the Sherwood Subdivision Rules and Regulations; however, approval shall be subject to acceptance of the public dedication of streets, utilities, and other public facilities.

Approval of the Long Form Final Development Plan shall have the effect of permitting the applicant to sell lots in the development, obtain building permits, or file an application for site plan or large-scale development review.

- B. The Enforcement Officer shall review the application and provide comments to the applicant for revision of the drawings and/or plat requirements.
- C. The Enforcement Office shall approve or deny the Final Development Plan and provide report of his/her approval to the Planning Commission within twenty (20) business days following approval. The Enforcement Officer shall not approve a Final Development Plan that contains a Zoning Plan that does not match the Zoning Plan previously approved by the City Council, excluding minor modifications consistent with the requirements of 14.08.08, or that contains construction plans that do not address comments for revision made by the Enforcement Officer.

The applicant shall provide a written explanation for any modifications to the Zoning Plan.

- D. The Enforcement Officer shall have the authority to defer approval of a Final Development Plan to the Planning Commission. The Planning Commission shall have the authority to require any Final Development Plan be reviewed for approval by the Planning Commission instead of the Enforcement Officer.
- E. The applicant, any Planning Commissioner, any City Council member, or any aggrieved party may appeal the decision of the Enforcement Officer rendered on a Final Development Plan by written request made to the Enforcement Officer within twenty (20) days of the Enforcement Officer's decision. The appeal shall be heard by the Planning Commission.

#### **14.08.07: Application Requirements**

Applications shall include a digital AutoCAD/PDF submittal and fifteen (15) copies of scaled printed plans containing the following:

<b>PUD Application Requirements</b>				
<b>Type of submission</b>	<b>Short Form</b>		<b>Long Form</b>	
	Zoning Plan	Final Development	Zoning Plan	Final Development Plan
<b>REQUIREMENTS</b>				
Letter of Transmittal: Name of Development; Names, addresses, and contact information of the owner, authorized agent, and developer; Written description of the character and intent of the development.	✓	✓	✓	✓
Proposed/Final Bill of Assurance, Restrictive Covenants, or other legal instruments	✓	✓	✓	✓
Vicinity Map	✓	✓	✓	✓
Names, addresses, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project (including individual lot across streets and rights-of-way).	✓	✓	✓	✓
North arrow, scale, date of preparation, and existing zoning classification.	✓	✓	✓	✓
Boundary Survey of the property and written legal description of the property.	✓	✓	✓	✓
Source of title to property giving deed record book page number or instrument number	✓	✓	✓	✓
Location of all existing and proposed easements.		✓		✓
Area and dimensioned length and width for each lot in the proposed development.	✓	✓	✓	✓
Proposed building footprint(s) with all proposed setbacks dimensioned.	✓	✓	✓	✓
Architectural elevation renderings for the front, side, and rear facades for all structures, excluding single-family residential. List of façade materials.	✓	✓	✓	✓
Lighting plan showing street lighting and exterior lighting quantity, direction, and pattern.		✓		✓
Proposed permitted uses and location of permitted uses.	✓	✓	✓	✓
Proposed Density	✓	✓	✓	✓
Proposed setbacks and buffer areas shown with dimensions.	✓	✓	✓	✓
Existing structure(s) and general indication of any significant vegetation.	✓	✓	✓	✓
Existing and proposed topographic information including two-foot contour interval for areas with a slope of less than 10%, five-foot contour interval for areas with a slope of more than 10%.		✓		✓
Existing significant drainage features on the site.	✓	✓	✓	✓
Location of all flood hazard areas within a 100-year floodplain and/or floodway. Reference the FIRM panel number and effective date. Note regarding wetland, if applicable. Note if Corps of Engineers determination is in progress.		✓		✓

<b>PUD Application Requirements</b>				
<b>Type of submission</b>	<b>Short Form</b>		<b>Long Form</b>	
	Zoning Plan	Final Development	Zoning Plan	Final Development Plan
<b>REQUIREMENTS</b>				
Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a Professional Engineer, with points of entry and exit for the development, show flood hazard area.		✓		✓
Soil tests, as may be required or requested.		✓		✓
Location, size, and materials of all proposed utilities.		✓		✓
Location of parking areas, vehicle maneuvering areas, and any proposed access drives.	✓	✓	✓	✓
Location of access drives for adjacent properties, including those across the street, street intersections. Items dimensioned relative to each other.	✓	✓	✓	✓
Proposed sidewalks and streets.	✓	✓	✓	✓
Street names, class per Master Street Plan, rights-of-way (existing and proposed), centerlines, and easements bordering or traversing the property.	✓	✓	✓	✓
Open Space Plan indicating the size and proposed use for common useable open space areas.	✓	✓	✓	✓
Landscaping Plan indicating the size, location, and proposed types of plantings on the site.	✓	✓	✓	✓
Certificate of Owner	✓	✓	✓	✓
Certificate of Surveying Accuracy	✓	✓	✓	✓
Certificate of Engineering Accuracy		✓		✓
Static pressure and flow of the nearest hydrant		✓		✓
As-built drawings		✓		✓

#### **14.08.08: Modifications**

Following adoption of a Zoning Plan certain minor modifications to the Zoning Plan may be permitted upon approval of the Enforcement Officer. Such change shall not:

- A. Change access or egress to the site.
- B. Change traffic patterns, relocate streets, or create new public/private streets or drives.
- C. Increase development density by more than five (5) percent.
- D. Dedicate improvements for public maintenance.
- E. Alter drainage patterns
- F. Decrease the amount of proposed landscaping

- G. Expand the types of allowable uses.
- H. Reduce the amount of common usable open space by more than five (5) percent.
- I. Alter the general nature or character of the development.
- J. Remove any amenities as approved within the Zoning Plan.

**14.08.09: Revocation**

The City Council may revoke the approval of a PUD if, by vote of the City Council, it is found that the owner, owner's agent, or developer are not developing the property in compliance with the provisions of this Code and other applicable laws, are not complying with the terms of PUD's approval, have not commenced construction within six (6) months of approval, have not completed construction within two (2) years of approval, are not developing the PUD according to the approved Final Development Plan, or have not received approval for a Final Development Plan within two (2) years of approval of a Zoning Plan.

In the event of revocation, any completed portion of the development or those portions for which building permits have been issued shall be treated as a whole and effective development. In such cases, the property within the PUD shall retain the PUD zoning district designation. If no development has occurred, the zoning shall revert to the zoning district designation(s) which existed for the property prior to the PUD's approval.

## **CHAPTER 14.09. OVERLAY DISTRICTS**

Sections:

- 14.09.01 General Purpose and Intent
- 14.09.02 Air Installation Compatible Use Zone Overlay District (AICUZOD)

### **14.09.01 General Purpose and Intent**

The purpose of an overlay district is to allow for the application of specific regulations to a distinct geographic area. The geographic area warrants special consideration due to a unique situation where some departure from the requirements of the underlying zoning district are impractical or where a unique public purpose is required. The effect of an overlay district will be to encourage property development which will maintain the unique and/or desired characteristics of the area. It is the intent of this chapter to provide an instrument for establishing different types of overlay districts.

### **14.09.02. Air Installation Compatible Use Zone Overlay District (AICUZOD)** <sup>48</sup>

#### **A. General Purpose and Intent**

The purpose of Air Installation Compatible Use Zone Overlay District (AICUZOD) shall be to:

1. Comply with Arkansas laws (Act 530 of 1995 and Act 602 of 2017);
2. Provide for the health, safety, and welfare of the citizens through enactment and enforcement of ordinances and regulations in compliance with Arkansas law and the Air Installation Compatible Use Zone (AICUZ) study for Little Rock Air Force Base (LRAFB);
3. Address environmental concerns created by violations of AICUZOD provisions;
4. Preserve and enhance the economic value of the property within the AICUZOD;

#### **B. Applicability**

Unless otherwise restricted by applicable regulations, ordinances, laws, or legislative action, the provisions of this Section shall apply to the future development and the use of all real property and Airfield Control Surfaces lying within the City of Sherwood Planning Territorial Jurisdiction, more particularly identified as the Clear Zone, and Accident Potential Zones One and Two (APZ I & II). This application will include those properties lying within and outside of the corporate limits of the City of Sherwood, as authorized under Arkansas law [ACA §§ 14-56-201 et.al., 14-56-301 et. al., 14-56-401 et. al., and 14-56-413(a)(I)(A)]. However, no conditions and/or uses of real property, including, but not limited to, existing recorded subdivision developments within the AICUZOD in existence at the time of passage of Ordinance 1744 shall be construed as a violation of the terms of said Ordinance for as long as said condition and/or use remains in existence. This would include structure(s) damaged and/or destroyed in the future as long as the principal purpose and use of said property is not altered by the modification/reconstruction of said structure(s).

#### **C. Definitions**

1. *Hazardous Interference* – Any Use, condition, or operation which creates a level of disturbance so great as to inhibit, prevent, or prohibit the safe operation of aircraft arriving into or departing from LRAFB.
2. *Low Density* – Use of or a condition upon which there exists a small number of residents per property acre in accordance with recommendations of the AICUZ study.

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<sup>48</sup> Entire subsection added by Ordinance 1744 – Adopted July 23, 2007.

3. *Low Intensity* – Use of or a condition upon which there exist a small level(s) of concentration of use(s) and/or event(s) on property so as to reduce possible injury or harm in accordance with the recommendations of the AICUZ study.
4. *Remains in Existence* – In the event a structure is damaged, lost, or destroyed by controlled means, fire, natural disaster, or act(s) of God, the use of said property shall be deemed to have remained in existence when the principal purpose and use of said property is not altered by the modifications/reconstruction of said structure(s).

**D. Population and Development Density**

Construction and/or development of residential housing in the affected areas of the AICUZOD shall provide for no more than one (1) single-family dwelling per one (1) acre of real property that lie within the Clear Zone, APZ I, and/or APZ II. Future use of properties within the AICUZOD shall be reviewed for population density concerns to ensure the provisions as outlined herein, under the terms of Ordinance 1744, or under the non-conflicting guidelines of the AICUZ study.

**E. Building and Construction Provisions**

Construction and/or development of any facility should comply with the provisions, guidelines, and directives of the current edition of the Southern Building Code for Sound Insulation so as to provide for proper sound insulation and protection from decibel (db) levels exceeding 75 db in the Clear Zone, APZ I, and APZ II.

**F. Conditional, Permissible, Prohibitive, and Restrictive Uses**

The following conditions, permissible uses, prohibitions, and restrictions shall apply to the future uses of any and all real properties and airfield controls surfaces encompassed by the Sherwood Territorial Jurisdiction, the Clear Zone, APZ I, and APZ II.

1. No use shall allow the release into the air of any substance that would create a hazardous impairment and/or interference with the operation of aircraft within the AICUZOD (i.e. steam, dust, smoke, etc.).
2. No use shall allow the production of light emissions, either direct or indirect (reflective), that would cause a hazardous interference with pilot vision in the operation of aircraft within the AICUZOD.
3. No use shall allow the production of electrical emissions that would cause a hazardous interference with aircraft communications or navigational equipment/systems.
4. No use shall allow the attraction of birds or waterfowl, including but not limited to, the operation of sanitary landfills, the maintenance of feeding stations, or the growth of certain plants and vegetation that would cause a hazardous interference with the operation of aircraft within the AICUZOD.
5. No use shall allow for the construction or existence of structures within ten (10) feet of an aircraft approach/departure surface.
6. No use shall allow for the exposure of any person(s) to a noise level greater than DNL 65 db.
7. No use shall violate the height restriction criteria for FAR Part 77, Subpart C, and/or create a hazardous interference with operation of aircraft within the AICUZOD.

For the purpose of this Section, these restrictive or prohibitive uses are to apply to all residential and non-residential properties located within the AICUZOD. Such regulations and standards shall be in addition to and shall overlay all other ordinance regulations and standards, including but not limited to, residential and non-residential zoning provisions, planning provisions, and signage regulations and standards. The following chart describes the appropriate types of land use in each zone.

GENERALIZED LAND USE	CLEAR ZONE	APZ I	APZ II
Agricultural	Yes <sup>a</sup>	Yes <sup>a</sup>	Yes <sup>a</sup>
Manufacturing	No	Yes <sup>b</sup>	Yes <sup>b</sup>
Public Assembly	No	Yes <sup>b</sup>	Yes <sup>b</sup>
Public and Quasi-Public Service	No	Yes <sup>b</sup>	Yes <sup>b</sup>
Recreation	No	Yes	Yes
Residential	Yes <sup>c</sup>	Yes <sup>c</sup>	Yes <sup>c</sup>
Shopping Districts	No	No	Yes <sup>b</sup>
Trade, Business, and Offices	No	Yes <sup>b</sup>	Yes <sup>b</sup>
Transportation and Utilities	No	Yes <sup>b</sup>	Yes <sup>b</sup>
NOTES:			
a.	Limited agricultural uses are permissible as a conditional use, with a low intensity, non-disruptive crop and operation required.		
b.	Low-intensity and low-density uses are permissible as a conditional use of the property.		
c.	Recommended density control requirement of one residential structure per one acre of land.		

These prohibitions and restrictions are not to be construed so as to preclude or prohibit the normal and reasonable use (or single event usage) of real property and airfield control surfaces within the AICUZOD by owner(s), agent(s), or lessee(s) to include, but not necessarily be limited to, the following: clearing and burning of trash and yard waste; maintaining stock ponds; vegetable gardens, or landscape vegetation; maintaining and/or operation of radio and communication equipment within the parameters of FCC rules and regulations; maintaining and/or operation of reasonable exterior lighting on the property; and/or, sponsoring an annual public event such as the LRAFB display and demonstration if the operations and use of various aircraft, as long as a use of real property does not provide a hazardous interference with the operation of aircraft within the AICUZOD, that use shall not constitute a violation of the terms in this Section.

#### G. Enforcement

The provisions of this Section shall be enforced by Sherwood Code Enforcement Official(s). Enforcement shall follow the outline and scope of Code Enforcement Official(s) under the provisions of this Code and State law, with all citations issued under the provisions of this Section addressed in the Sherwood District Court.

#### H. Penalties

In the event a property owner(s), agent(s), or lessee(s) pleads or is found guilty/nolle contender of a violation of the terms of this Section, the violator shall be assessed a fine of no less than twenty-five (25) dollars and court cost for a first offense, no less than fifty (50) dollars and court costs for a second offense, and no less than one hundred (100) dollars and court cost for a third or subsequent offense(s). Each day a condition prohibited by the terms of this Section exist shall constitute a separate violation.

## **CHAPTER 14.10. SPECIAL PROVISIONS AND USE STANDARDS**

Sections:

- 14.10.01 Decks
- 14.10.02 Fences and Screens
- 14.10.03 Mini-Storage Facilities
- 14.10.04 Storage of Flammable Liquids and Gases
- 14.10.05 Home Occupations
- 14.10.06 Camping or Vacation Trailers
- 14.10.07 Vending Machines
- 14.10.08 Sexually Oriented Businesses
- 14.10.09 Accessory Buildings
- 14.10.10 Exterior Wall Surfaces
- 14.10.11 Signs, Sign Structures and Billboards
- 14.10.12 Driveway Paving Requirements
- 14.10.13 Schedule of Uses

### **14.10.01. Decks** <sup>49</sup>

#### **A. Attached Uncovered Decks**

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 (25) feet. Attached uncovered decks shall be required to meet rear yard setbacks of fifteen (15) 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.

#### **B. Attached Covered Decks**

All attached decks with a roof shall be considered a part of the principal structure and shall comply with the twenty-five (25) foot rear yard setback requirement. When covering an existing attached deck, the setbacks shall be enforced as with the principal structure.

### **14.10.02 Fence Requirements** <sup>50</sup>

The following regulations set forth the requirements for constructing fences in various zoning districts. They are designed to provide maximum flexibility and enjoyment of one's property, without infringing on other's enjoyment or visual perception; while allowing the conduct of public safety officers and other municipal personnel, including code enforcement.

#### **A. Permit Required**

1. A completed permit application and accurate site plan shall be submitted.
2. If all requirements of this Code are met and permit fee paid, a permit shall be issued.

#### **B. Requirements for All Zoning Districts**

1. Sight distance not to be impaired.
  - a. No fencing shall be permitted in the area defined as sight triangle (see Section 14.10.13).

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<sup>49</sup> Amended by Ordinance 1569 - Adopted January 28, 2002.

<sup>50</sup> Amended by Ordinance 2313 - Adopted August 24, 2020.

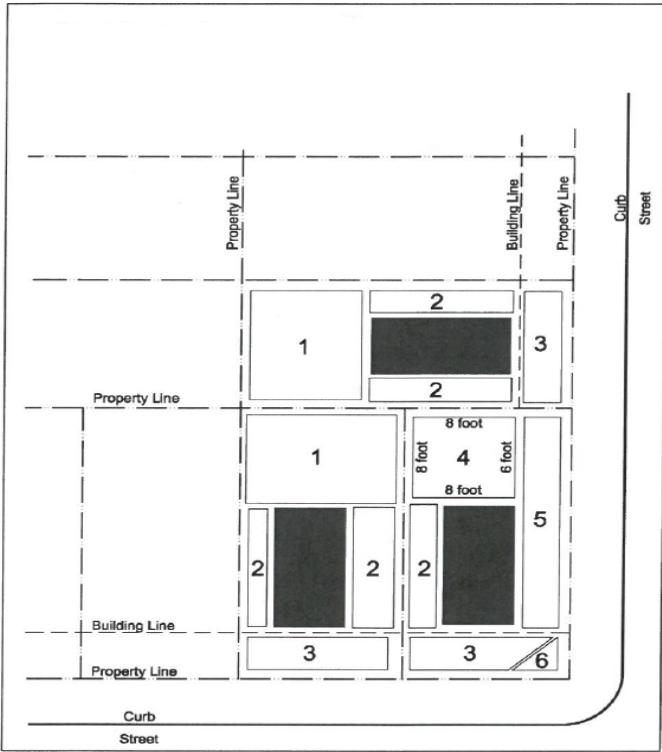
- b. Fencing in portion of lot from building line to property line in any front yard setback shall be no more than three and one-half (3 ½) feet in height. However, the Enforcement Officer may allow a deviation from the setback and/or height requirement for a fence facing a street on a corner lot provided that:<sup>51</sup>
  1. there is no deviation from the sight triangle requirement;
  2. the view of traffic is not obstructed from adjoining lots; and
  3. the deviation does not propose use of prohibited fence material and/or construction
2. Fencing shall not impede drainage flows or restrict access to public utility easements or be located within three (3) feet of any fire hydrant.
3. Fences shall have finished side facing toward the public way
4. Maximum height of fences in side and rear yards to be no greater than eight (8) feet.
5. Fence materials:
  - a. Prohibited fences in residential and commercial zones: barbed/razor wire, electrified fencing (electric fencing for pets is permitted), barn tin, brush, scrap, temporary and perishable materials.
  - b. Fencing permitted in industrial districts for security purposes (metal, barbed wire, and similar types are permitted).
  - c. Fencing permitted for livestock purposes in all districts (metal, barbed wire, and similar types are permitted).
6. Standard Trade Practice: fences shall be installed in accordance with American Fence Association or equivalent industry standard.
7. Existing non-conforming fences to be replaced or repaired may be of similar design, height, location, or materials; but must comply to sight triangle requirements.

C. Request for Waivers

If use requirements suggest a need for an exception to the requirements in Section B. above, the applicant may request a determination by the Planning Commission. The Planning Commission will base its decision on unique characteristics of use and property or security needs; however, in no case can sight distance requirements be waived.

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<sup>51</sup> Amended by Ordinance 2488 – Adopted May 20, 2024.



1. Fences in the rear yards are permitted up to 8' in height.
2. Fences in the side yards are permitted up to 8' in height.
3. Fences in the front yards are permitted up to 3½' in height.
4. Fence heights are permitted as shown on corner lots. Any corner lot fence facing a street must have the finished side face the street.
5. Fences in this area that are in front of the abutting property's front building line must have approval of the City Engineer
6. Unobstructed vision at street intersection. See Section 14.10.13.

#### **14.10.03. Mini-Storage Facilities** <sup>52</sup>

- A. The storage of hazardous chemicals or explosives is prohibited.
- B. The storage of petroleum products is prohibited.
- C. The operation of spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, and other similar equipment is prohibited.
- D. No storage unit may be used for the purposes of operating a business except for the purpose of providing storage for a business that is located off-site.
- E. Any outside storage including vehicles and/or vehicles/equipment for rental use shall be screened and shielded from view of adjacent property or a public right-of-way.
- F. Mini storages located adjacent to a residential district or residential use shall provide the following:
  1. An undisturbed vegetative buffer of at least fifty (50) feet adjacent to those areas bordering the residential district or use. Where such buffer does not have dense pre-existing vegetation at least six (6) feet in height, one (1) tree for each thirty (30) linear feet and one (1) shrub for each five (5) linear feet shall be planted and maintained within the buffer. Fast growing species that provide dense evergreen foliage shall be used to meet these requirements and shall be subject to the approval of the City Engineer.
  2. A six (6) foot tall masonry wall or decorative fence. Decorative fencing shall mean a wrought iron or decorative steel fencing and shall not include wood fencing or metal chain-link fences.

<sup>52</sup> Amended by Ordinance 2219 – Adopted October 22, 2018.

3. All buildings shall meet the requirements of Section 14.10.10.<sup>53</sup>
4. All lighting shall not exceed twenty (20) feet in height and be fully cut-off, shielded lighting as defined by the Illuminating Engineering Society of North America (IESNA). Such lighting shall be directed to prevent the trespass of light onto the adjacent residential district or use.

#### **14.10.04. Storage of Flammable Liquids and Gases**

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

#### **14.10.05. Home Occupations**<sup>54</sup>

A home occupation may be permitted in any residentially zoned district provided it complies with the following provisions:

**A. Standards**

1. The business, occupation or profession is conducted by a person or persons residing in the principal dwelling. No non-resident may be employed at the dwelling unit; and
2. The home occupation is located entirely within the principal dwelling unit; and
3. The home occupation involves the use of not more than one commercial vehicle and no parked vehicle will serve as advertising for the home occupation; and
4. The home occupation does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential use; and,
5. Does not display merchandise or have outside storage of equipment or materials in a manner visible from the street; and
6. The home occupation does not alter the external appearance of the principal dwelling unit; and,
7. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit; and
8. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby; and
9. The home occupation will not result in more than one (1) customer vehicle parked at the principal dwelling unit at a time, except those vehicles temporarily parked for the purpose of "drop-off" or "pick-up" of children or students is permitted; and
10. 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, except for one (1) permitted sign; and
11. The home occupation does not require pickup of non-household solid waste. No dumpsters are permitted for home occupations.

**B. Examples of Home Occupations**

1. Activities conducted principally by telephone, computer, facsimile, or mail; or,
2. Studios where handicrafts or objects of art are created; or,
3. Independent sales or professional consultant; or,
4. Dressmaking or apparel alterations; or,

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<sup>53</sup> Amended by Ordinance 2413 – Adopted May 23, 2022.

<sup>54</sup> Amended by Ordinance 2360 – Adopted April 26, 2021.

5. Bookkeeping services; or,
6. Instructing, or tutoring (limited to two (2) customers/clients at a time); or,
7. Residential childcare (up to five (5) children)

C. Prohibited Home Occupations

1. Any use that requires a building code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation; or,
2. Kennels; or,
3. Eating or drinking establishment of any kind; or,
4. Bed and breakfast, unless approved as a Conditional Use in a residential district allowing such use; or,
5. Any illegal activity

**14.10.06. 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 462, amended by Ordinance 1605.

**14.10.07. Vending Machines**<sup>55</sup>

- A. It is the purpose of this section to strictly prohibit the placement of out-of-doors vending machines as principal buildings or uses in C-3 or higher zoning classification.
- B. Vending machines placed in the City of Sherwood are limited to placement as accessory buildings or uses to principal buildings or uses having on-premise staff.

**14.10.08. Sexually Oriented Businesses**<sup>56</sup>

A. Purpose and Intent

It is the purpose of this section 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 section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect 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 distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law.

B. Sexually Oriented Business Definitions

1. 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 (5) 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” (as defined in Subsection 10 below) or “specified anatomical areas” (as defined in Subsection 11 below).
2. 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 books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or

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<sup>55</sup> Amended by Ordinance 1841 – Adopted September 28, 2009.

<sup>56</sup> Added by Ordinance 1415 - Adopted December 21, 1998.

other visual representations which depict or describe "specified sexual activities" (as defined in Subsection 10 below) or "specified anatomical areas" (as defined in Subsection 11 below)

3. Adult Cabaret – A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
  - a. persons who appear in a state of nudity; or,
  - b. Live performances which are characterized by the exposing of "specified sexual activities" (as defined in Subsection 10 below) or "specified anatomical areas" (as defined in Subsection 11 below).
  - c. Films, motions pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of "specified sexual activities" (as defined in Subsection 10 below) or "specified anatomical areas" (as defined in Subsection 11 below).
4. 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" (as defined in Subsection 10 below).
5. 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.<sup>57</sup>
6. Adult Theaters – A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity of live performances which are characterized by the exposure of "specified sexual activities" (as defined in subsection 10. below) or "specified anatomical areas (as defined in subsection 11. below).
7. Nudity or State of Nudity
  - a. The appearance of bare human bullocks, anus, male genitals, female genitals, or female breast.
  - b. A state of undress which fails to opaque cover a human buttocks, anus, male genitals, female genitals, or areola of the female breast.
8. Person – An individual, proprietorship, partnership, corporation, association, or other legal entity.
9. 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.
10. Specified Sexual Activities
  - a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse, or sodomy;
  - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
11. Specified Anatomical Areas
  - a. Less than completely and opaque covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and,
  - b. Human male genitals in a discernible turgid state, even if completely and opaque covered.

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<sup>57</sup> Amended by Ordinance 1536 – Adopted June 25, 2001.

12. Residential District – Any land within the city limits of Sherwood, Arkansas zoned as R-1, R-2, R-3, R-4, and PUD.

a. Conditional Use.

C. Sexually Oriented Businesses – Classification

Sexually oriented businesses are classified as follows:

1. Adult arcade
2. Adult bookstores and adult video stores
3. Adult cabarets
4. Adult motion picture theaters
5. Adult theaters

D. 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:

1. No sexually oriented business shall be operated within one thousand (1000)<sup>58</sup> feet of:
  - a. A church;
  - b. A public or private elementary, middle school, secondary or post-secondary school, preschool or childcare facility;
  - c. A boundary of a residential district (R-1, R-2, R-3, R-4, or a PUD)
  - d. A public park, family recreation center as defined in A. C. A., Section 5-27-226; bowling alley; or skating rink;
  - e. A hospital;
  - f. Properties listed on the National Register of Historical Places or local historic districts as identified by the Arkansas Historic Preservation Program.
2. A person commits an offense if the person causes or permits the operation, establishment, or maintenance of a sexually oriented business within six hundred and sixty (660) feet of another sexually oriented business, or within six hundred and sixty feet (660) 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.
3. For the purpose of subsections 1. and 2. above, 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, and 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 any alcoholic beverages defined in the previous paragraph, or any other sexually oriented business.

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<sup>58</sup> Amended by Ordinance 2459 – Adopted August 28, 2023.

4. A lawfully operating sexually oriented 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.

**E. Penalties**

1. Any person operating or causing to be operated any sexually oriented business in violation of any part of this Chapter upon conviction, is punishable by a fine not to exceed five hundred (500) dollars
2. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred and fifty (250) dollars for each day that the same is unlawfully continued.
3. A person who operates or causes to be operated a sexually oriented business in violation of this Chapter will be subject to a suit for injunction as well as persecution for criminal violations.

**14.10.09. Accessory Buildings in Residential Districts<sup>59</sup>**

- A. The maximum aggregate area allowed for single or multiple detached accessory buildings shall be:
  1. On lots one-half (0.5) acre or under, the combined square footage of all accessory buildings shall be not more than half that of the principal building, with a maximum of eight hundred fifty (850) square feet.
  2. On lots larger than one-half (0.5) acre, the combined square footage of all accessory buildings shall not be greater than five (5) percent of the total lot area, up to a maximum of three thousand five hundred (3,500) square feet.
- B. A detached accessory building in a residential district must be located behind the principal structure, or 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. Provided, however, an accessory structure open on at least two (2) sides may be placed within ten (10) feet of the principal structure, provided it meets the setback and building regulations imposed on the principal structure and does not interfere with egress requirements.<sup>60</sup>
- C. Height for accessory buildings shall be measured from the bottom of the sole plate to the underside of the roof deck and shall be governed as follows:<sup>61</sup>
  1. Lots one-half (0.5) acre or less shall have a maximum sidewall height of ten (10) feet.
  2. For lots larger than one-half (0.5) acre shall have a maximum sidewall height of seventeen (17) feet.
- D. Accessory building shall not be used as a residential dwelling.
- E. Required Setbacks
  1. Except as otherwise required for particular zoning districts, all accessory buildings and structures in all residential zoning districts shall comply with the following requirements.

Accessory Building Type	Side and Rear Yard Setback Minimum
Lot 1/2 Acre or Smaller	
Up to 200 square feet + sidewall up to 10 feet	4 feet

<sup>59</sup> Amended by Ordinance 2260 – Adopted July 22, 2019.

<sup>60</sup> Amended by Ordinance 2320 – Adopted November 23, 2020.

<sup>61</sup> Amended by Ordinance 2305 – Adopted May 26, 2020.

Over 200 square feet + sidewall up to 10 feet	8 feet
Lot More than 1/2 Acre and Less than 1 Acre	
Up to 200 square feet + sidewall up to 10 feet	4 feet
Up to 200 square feet + sidewall over 10 feet but less than 17 feet	8 feet
Over 200 square feet + sidewall up to 10 feet	8 feet
Over 200 square feet + sidewall over 10 feet but less than 17 feet	8 feet
Lot 1 Acre or More	
Up to 200 square feet + sidewall up to 10 feet	4 feet
Up to 200 square feet + sidewall over 10 feet but less than 17 feet	Not less than 10% of average lot width up to a maximum of 25 feet.
Over 200 square feet + sidewall up to 10 feet	8 feet
Over 200 square feet + sidewall over 10 feet but less than 17 feet	Not less than 10% of average lot width up to a maximum of 25 feet.

2. Permitted Exceptions: A property owner may request an exception from the requirements in the chart in subsection 1. Above, and Planning, Permitting, and Inspections Department staff may approve a reduction, provided that:

- no reduction may be to a distance of less than four (4) feet from a side or rear property line; and,
- the property line for which an exception is requested is adjacent to a permanent buffer, such as a conservation area, where it can be demonstrated that the exception will not cause an undue negative impact on the buffer or on public safety; or,
- all the following criteria can be met:
  - the sidewall height of the accessory structure does not exceed ten (10) feet; and,
  - the accessory structure does not exceed five hundred (500) square feet in total area; and,
  - the accessory building has no loft windows or doors facing either a side or rear reduced setback.

#### **14.10.10. Exterior Building Design Standards**<sup>62</sup>

##### **A. Purpose**

The purpose of this section is to establish exterior building design standards that:

- Preserve and enhance the City's appearance and identity;
- Allow for individual expression of creativity without negatively impacting, visually, abutting properties thus contributing to a stable economic environment;
- Are appropriate to the context in which they are located; and
- Ensure consistency of quality, thus protecting the welfare of the community.

##### **B. Applicability**

The standards within this section shall apply to all new primary buildings, expansions, remodels, and renovations excluding single-family residential, two-family duplex development, and all development within the I-1 Light Industry District that does not have direct frontage on Interstate 57. The Enforcement Officer shall have the authority to exempt expansions, remodels, and renovations affecting up to thirty (30) percent of a single or multiple building facades where adherence to these standards would result in a design that defeats the purpose of the regulations.

<sup>62</sup> Amended by Ordinance 2520 – Adopted September 22, 2025.

C. Standard and Non-Standard Exterior Building Design

1. *Standard Exterior Building Design.* Exterior building designs that meet the minimum requirements of the standards in this section shall be considered to comply and may be approved by the Enforcement Officer.
2. *Non-Standard Exterior Building Design.* Exterior building designs not meeting the minimum requirements of the standards in this section will be treated as non-standard exterior building design and shall require a detailed review of the proposed materials and reasoning for deviation from minimum standards.
3. *Determination of Compliance.* When an application for commercial building permit is deemed complete and all applicable fees have been paid, the Enforcement Officer shall review the exterior building design proposal for compliance with the established standards.

If the application is found to not comply, the Enforcement Officer will provide to the applicant, any relevant comments citing noncompliance with this section. The applicant may then choose to either:

- a. Revise the design and resubmit for compliance review; or
- b. Apply for review as a non-standard exterior building design.

4. *Non-Standard Exterior Building Design Review.* Application submission and review shall be in accordance with the Planning & Development Calendar.
  - a. Application: Application shall be made by means made available by the City and at least include:
    - 1) A fee in accordance with the adopted fee schedule. If no fee schedule is adopted by the City Council, the fee shall be \$200.
    - 2) Documentation of all proposed materials, including product data sheets and any other information the applicant deems relevant. The Enforcement Officer may request additional information in the course of his/her review.
    - 3) Measurements indicating the area of each building façade and the area of each material used, expressed in square feet and percentages.
    - 4) Statement explaining the reasoning and justification for deviating from the established exterior building design standards. Financial hardship shall not be considered and may not form the basis of the justification.
  - b. Staff Review: The Enforcement Officer will review the application and may provide a recommendation for action to the Planning Commission.
  - c. Planning Commission: The Planning Commission shall review the request and may take action on the application by recommending approval to the City Council, with or without conditions, or deny the application.
    - 1) Recommendation for approval of a non-standard exterior building design shall require the following findings:
      - i. No discernible public benefit would be gained by requiring an alternative design;
      - ii. The proposed design represents an innovative use of non-standard building materials to the extent that it is in harmony with the visual aspects of its relative context (e.g. location, area, neighborhood); or
      - iii. Adherence to these standards would result in a design that defeats the purpose of the regulations.

- 2) If an application is denied by the Planning Commission, written notice of denial shall be provided to the applicant within fifteen (15) days of the decision being rendered. Such written notice shall include the reasons for denial of the application. The applicant may appeal the denial to the City Council in writing, stating why they consider the Planning Commission's findings and decisions to be in error. The appeal must be filed with the Enforcement Officer within thirty (30) days of the written notice of denial.
- d. City Council. The Planning Commission shall report their findings and recommendations, including recommended conditions, to the City Council. The City Council may grant the application as presented, grant the application with other/additional conditions and/or restrictions, deny the application, or remand the case back to the Planning Commission.
  - 1) If approved, the Enforcement Officer shall provide the applicant documentation of approval within five (5) business days.
  - 2) The applicant shall submit documentation of approval, to accompany the building permit application, and make any required design revisions before permit issuance.

**D. Façades**

Façade shall mean the exterior wall of a building.

1. *Façade Types.*
  - a. Primary Façade shall mean a building façade which contains a building entrance intended for public access and which has a frontage to a public street or publicly accessible fire apparatus lane, including internal streets for a multiple building site.
  - b. Secondary Façade shall mean a building façade that does not contain a building entrance intended for public access, but which has a frontage to a public street or publicly accessible fire apparatus lane, including internal streets for a multiple building site. Such facades additionally may include any area that, by internal access, is meant to be accessed by the public such as a drive-through lane or stacking area for the same.
  - c. Rear Façade shall mean any façade that is not intended to be accessed by or visible to adjacent property by means of screening or buffering.
2. *Façade Characteristics*
  - a. Each building shall designate at least one (1) primary façade.
  - b. No new permanent building shall resemble a simple, box-like structure, temporary, or portable building.
  - c. Architectural Articulation shall mean the process of varying a building's exterior walls for the purpose of reducing long, uninterrupted façade planes/blank walls. This shall be accomplished as follows:
    1. The vertical plans of the primary and secondary facades shall not be completely flat but shall be varied in depth and/or direction. Offsets, projections or recesses, of no less than one (1) foot, in each vertical plane/per building façade wall shall be incorporated at least:
      - i. One (1) time for buildings ten thousand (10,000) square feet or less,
      - ii. Every fifty (50) feet for buildings greater than ten thousand (10,000) square feet,

- iii. Or every one hundred (100) feet for buildings greater than fifty thousand (50,000) square feet
- 2. Primary building entrances shall not consist solely of an opening in a flat vertical plane but shall be recessed or extended and may be considered an offset to meet or contribute to the articulation requirement.
- 3. Exterior building finish materials shall vary in type, form, and color (see §14.10.10.E.3)

**E. Design Standards**

The following design standards must be met for a building design to be considered Standard.

- 1. *Orientation.*
  - a. The building façade containing the primary building entrance shall be oriented toward the street of highest classification or principal public realm.
  - b. If this orientation is not practicable, the building façade containing the primary building entrance shall be oriented toward the principal entrance of the development in which it is located.
- 2. *Exterior Building Finish Materials.* Exterior building finish materials are categorized into quality classes based on durability, appearance, and sustainability.
  - a. Class 1 materials are considered “very high-quality”;
  - b. Class 2 materials are considered “high-quality”;
  - c. Class 3 materials are considered “standard quality”; and
  - d. Class 4 materials are considered “limited use” and should be reserved for trim elements and minor accents.
- 3. *Application of Exterior Building Finish Materials.*
  - a. **Primary Façade:** Exterior building finish materials shall be comprised of:
    - 1) At least fifty (50) percent Class 1 materials, with at least fifteen (15) percent being glass (windows and doors), and
    - 2) At least thirty (30) percent Class 2 materials unless Class 1 materials comprise at least sixty (60) percent of the façade, and
    - 3) Up to thirty (30) percent Class 3 materials, and
    - 4) Up to ten (10) percent Class 4 materials.
  - b. **Secondary Façade:** Exterior building finish materials shall be comprised of:
    - 1) At least thirty (30) percent Class 1 materials with at least fifteen (15) percent being glass (windows and doors), and
    - 2) At least thirty (30) percent Class 2 materials unless Class 1 materials comprise at least fifty (50) percent of the façade, and
    - 3) Up to thirty (30) percent Class 3 materials, and
    - 4) Up to ten (10) percent Class 4 materials.
  - c. **Rear Façade:** Exterior building finish materials shall be comprised of:
    - 1) At least twenty (20) percent Class 1 or Class 2 materials, and

2) Up to eighty (80) percent Class 3 or Class 4 materials.

d. Where more than fifty (50) percent of a particular class of materials is used, at least two (2) different materials shall be required to be used. This shall not apply for use of Class 4 materials. Changes in color may constitute use of a different material.

4. Exterior Building Finish Materials Table by Material Class.

Masonry and Stone (Non-load bearing)	Class 1	Class 2	Class 3	Class 4	Definition
Brick, fired clay	✓				Fired clay or synthetic brick, full-veneer masonry wall system, having an approximate typical unit depth greater than 3"
Brick, thin (fired clay or synthetic); brick panel (fired clay or synthetic)		✓			Thin veneer (fired clay or synthetic) bricks adhered to a wall surface or wall anchoring system, with the appearance of full brick and having an approximate typical unit depth less than 3"; prefabricated panels of thin (fired clay or synthetic) brick adhered to a wall surface or wall anchoring system
Stone, natural or synthetic	✓				Genuine or synthetic stone, adhered to wall surface or wall anchoring system
Stone panel, natural or synthetic		✓			Prefabricated panels of genuine or synthetic stone adhered to wall surface or wall anchoring system
Stucco, genuine	✓				Traditional Portland cement-based stucco applied in 3 coats over a solid surface
Concrete Masonry Units	Class 1	Class 2	Class 3	Class 4	Definition
Burnished/ground-face, patterned, or shaped block	✓				Concrete modular blocks, smooth finish with large aggregates visible or polished finish and with mortared joints or where face surface has a pattern or shape, not flat and with mortared joints
Split-faced block			✓		Concrete modular blocks, rough, split-faced finish, and with mortared joints
Plain, flat-faced block				✓	Concrete modular blocks, plain, flat finish, and with mortared joints
Metal	Class 1	Class 2	Class 3	Class 4	Definition
Architectural quality, composite metal wall panel systems	✓				High-quality insulated metal panels for decorative surface application, such as <i>Alucobond</i> ® panel systems
Architectural quality metal wall panel systems, concealed fastening	✓				High-quality metal panels for decorative surface application with concealed fasteners, such as <i>Elevate (formerly Firestone) Delta</i>
Architectural quality metal wall panel systems, exposed fastening			✓		High-quality metal panels for decorative surface application with exposed fasteners, such as <i>Elevate (formerly Firestone) Omega</i>
Metal (panels, siding, and trim)				✓	Standard metal siding and panels, painted or coated for exterior application
Glass	Class 1	Class 2	Class 3	Class 4	Definition
Clear glass (windows, curtain walls, paneling systems)	✓				Clear glass with no visible tint, reflective coating, coloring, or other covering (not including low-e or UV coatings or treatments)
Glass Block	✓				Hollow translucent block of varying shapes and sizes made entirely from glass; also known as glass brick.
Spandrel glass		✓			Opaque glass panels with a fire-fused ceramic frit paint; typically used between vision areas of windows to conceal structural columns, floors and shear walls
Opaque or tinted glass			✓		Glass with a tinted or colored coating or finish or otherwise treated to produce a tint that reduces its opacity.
Mirrored glass				✓	Glass with a reflective or mirrored coating or finish
Other Materials	Class 1	Class 2	Class 3	Class 4	Definition

Wood (panels and siding)	✓				Authentic hardwood or exterior rated, rot-resistant wood paneling and siding
Fiber cement board (siding)	✓				Cement panels reinforced with cellulose fibers, such as <i>Hardie® Plank</i> and <i>Nichia® Nichiboard</i>
Exterior insulation and finish system (EIFS)			✓		Polystyrene foam covered with a synthetic stucco, water-managed and exterior rated. <i>May only be used for fascia and soffits on first/ground level applications; may not be used for areas intended for signage installation on any level.</i>
Composite wood (panels, siding, and trim)		✓			Composite or other synthetic wood types, such as <i>LP® SmartSide®</i>
Vinyl and PVC (panels, siding, and trim)				✓	Exterior siding and trim that is made from a synthetic resin or plastic
Ceramic			✓		Ceramic tile adhered to a wall surface or wall anchoring system
Translucent wall panel systems			✓		Panels or blocks, typically hollow, made of translucent polycarbonate material – such as <i>Kalwall®</i>
Fabric					(not permitted)

5. *Equipment Screening.* Mechanical equipment, whether ground- or roof-mounted, shall be screened in a manner to prevent it being visible from the adjacent property. Screening materials may include parapet walls, panels, fencing, or landscaping in accordance with building design and landscape standards.

#### **14.10.11. Reserved**

#### **14.10.12. Driveway Paving Standards**

##### **A. Size**

1. Residential driveways shall not exceed twenty-four (24) feet in width, exclusive of curb returns. This provision shall apply to driveways for structures placed greater than fifty (50) feet from the front property line or projected edge of the Master Street Plan right-of-way, whichever is greater in width. This is intended to allow the driveway to serve as the required parking area for structures placed less than fifty (50) feet from the front property line.
2. Commercial/Industrial driveways shall not exceed forty (40) feet in width, exclusive of curb returns.

##### **B. Paving Requirements**

1. Residential Driveway Paving Requirements:
  - a. Residential structures shall provide a paved driveway. The driveway shall connect to the garage, carport, or required parking area, which shall abut or be adjacent to the principal dwelling.
  - b. Paving shall be required for all driveways that provide primary, permanent, continuous access to a residential structure or required parking area located in a residential zone. Paving shall not be required for those portions of a driveway for a single-family dwelling or manufactured home greater than one hundred (100) feet from the edge of the street.
  - c. These paving requirements shall be triggered by the establishment of a driveway or construction of a new principal structure or the modification of a principal structure where the value of improvements to be completed exceeds fifty (50) percent of the county appraised<sup>63</sup> value of the existing property improvements.

<sup>63</sup> Amended by Ordinance 2299 – Adopted on April 27, 2020.

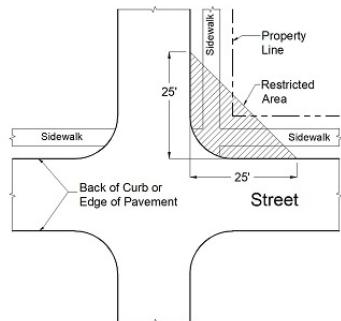
2. Commercial/Industrial Paving Requirements: All driveways shall be paved.

C. Construction Standards and Paving Materials

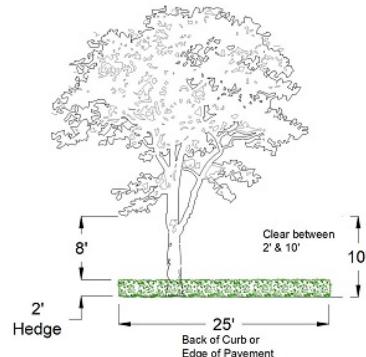
1. Residential Standards
  - a. Where paving is required, driveways shall have a minimum width of ten (10) feet and a depth of not less than four (4) inches of 3500 PSI concrete paving, or four (4) inches of compacted Class 7 base with two (2) inches of hot asphalt concrete.
  - b. Where paving is not otherwise required, driveways shall provide a paved apron and shall have and maintain a minimum width of ten (10) feet and depth of at least two (2) inches of compacted Class 7 base, C-ballast, or equivalent.
2. Commercial/Industrial Standards  
See Section 14.12 Off-Street Parking Space Requirements
3. Curb cuts on existing curbs and gutters shall be saw cut.
4. The City Engineer may approve alternative methods of construction of permanent driveway surfaces.

#### **14.10.13. Sight Triangle**<sup>64</sup>

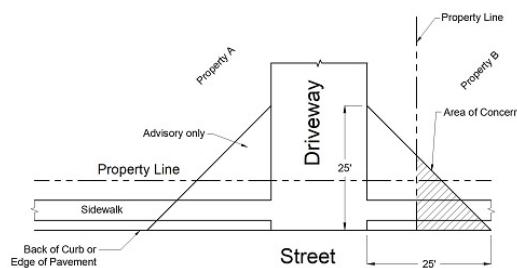
Public safety requires clear views near street intersections. There shall be no obstructions between two (2) feet and ten (10) feet off the ground within a corner clear sight triangle, which is an area formed by two (2) lines extending twenty-five (25) feet from the point of intersection of continuation of curb lines (or edges of pavement or driveways) and one (1) connecting line across right-of-way or private property; exceptions include street name signs or traffic control devices, fire hydrants and other necessary public safety or utility appurtenances. Three (3) graphics are provided to illustrate the placement and dimension of a sight triangle.



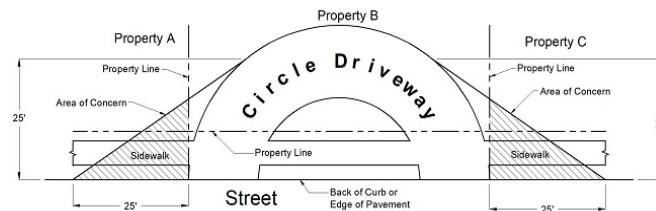
**Sight Triangle Street Intersection**



**Sight Triangle Profile**



**Sight Triangle Driveway Corner**



**Sight Triangle Circle Driveway**

The sight triangle may be applied by the City Engineer, Public Works Director, or Enforcement Officer to guide placement, removal, or maintenance of potential obstructions. Factors such as steep grade changes or natural geological formations may be beyond the control of a property owner. When conflicts or other difficulties arise with the application of the sight triangle, the City Engineer shall make a final determination. Decisions of the City Engineer may be appealed to the Board of Zoning Adjustment.

#### **14.10.14 Residential Swimming Pools**<sup>65</sup>

- A. A residential swimming pool must be located behind the principal structure at a distance not less than five (5) feet from the pool basin to any dwelling or building existing or under construction on the same lot. The Planning Commission may allow a pool to be located in front or to the side of the principal structure,

<sup>64</sup> Amended by Ordinance 2313 - Adopted August 24, 2020.

<sup>65</sup> Amended by Ordinance 2314 - Adopted August 24, 2020.

provided that required barriers around the pool do not obstruct visibility of the principal structure from the street.

- B. A residential swimming pool must maintain a minimum five (5) foot setback from the rear and side property lines to the edge of the pool basin.
- C. A residential swimming pool or swimming pool appurtenances cannot be located in any easement, setback, or separation requirement, except for on grade concrete decking.
- D. A residential swimming pool may have a wooden deck, up to four (4) feet wide, around and at the same grade as the top of the pool basin, provided the minimum rear and side yard setbacks established for residential swimming pools are maintained from the edge of the deck to the rear and side property lines.
- E. Permanent barrier must surround the pool location; and,
  - 1. Must be at least four (4) feet in height; and,
  - 2. Must be constructed in such a way as to prevent it from being used as a ladder (such as having no horizontal structural members that could be used as rungs of a ladder); and,
  - 3. May be of solid construction having no gaps or spaces between building components, or if not of solid construction, shall have intermediate rails, mesh, or ornamental closures that do not allow the passage of a sphere four (4) inches in diameter, except that triangular openings formed by the riser, tread and bottom rail of any portion of the required enclosure at the open side of any stair cannot pass a sphere of six (6) inches in diameter.
- F. Any gate located in the required barrier must have a latch located not less than three feet, eleven inches (3'11") from the ground.

#### **14.10.15. Service Stations**<sup>66</sup>

##### **A. Purpose and Intent**

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

##### **B. Development and Design Standards**

- 1. A minimum thirty-six (36) foot drive shall be required between the canopy and principal building or parking aisle adjacent to the building.
- 2. Canopies shall not exceed twenty (20) feet in height or the height of the principal building, whichever is greater.
- 3. Canopies and canopy support columns shall meet the exterior wall surface requirements of Section 14.10.10.

##### **C. Landscape and Pedestrian/Vehicular Circulation Requirements**

- 1. Landscaping requirements shall meet full Type A standards, as indicated in Section 14.16.03.E.
- 2. Where perimeter landscaping buffers are required along a street frontage or public right-of-way, the buffer shall be increased to ten (10) feet.

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<sup>66</sup> Amended by Ordinance 2458. Adopted August 28, 2023.

3. The dumpster shall be screened with a finished masonry wall enclosure such as split face block or brick but shall not be composed of standard concrete masonry units (CMU). The dumpster shall be located adjacent to the principal building or within twenty (20) feet of the principal building and be oriented away from the street side of the property in line with Section 14.05.02.B.
4. Drive-throughs on-site shall be located along the side or rear of the principal building with stacking for the drive-through placed at the rear of the principal building.
5. Underground storage tanks shall be located in a manner to not impede circulation of traffic on the site during filling.
6. Where a canopy is located closer to a street frontage than the principal structure, a durable landscape barrier at least thirty (30) inches and no more than thirty-six (36) inches in height shall be required in all cases and be composed of brick or stone. The barrier shall be located in the landscaping buffer along the street frontage, directly adjacent to the vehicular use area with landscaping placed on the street frontage side of the barrier. No barrier shall be allowed to impede sight distance for vehicles. This provision shall not apply to locations with direct frontage to future Interstate 57/U.S. Highway 67/167.
7. All areas of the principal building directly adjacent to parking shall have at least five (5) foot sidewalk separating the building from the parking.
8. A five (5) foot continuous concrete walkway free of vehicular traffic shall be required connecting the primary building to the sidewalk. This provision shall only apply in locations where a sidewalk is in existence or otherwise required.

#### **14.10.16. Accessory Dwelling Unit (ADU) Regulations**<sup>67</sup>

##### **A. General Conditions**

1. An accessory dwelling unit shall only be allowed on a lot or parcel where there is an existing single-family, detached dwelling, except when constructed concurrently with single-family, detached dwelling.
2. A maximum of one (1) ADU is permitted by right for each principal single-family detached dwelling.
3. An ADU may be attached, detached, or internal to the principal dwelling, but must not be accessed independently of said principal dwelling.
4. An accessory structure may be converted into an ADU provided that the accessory structure conforms to the requirements of this section and all applicable building codes.
5. If the associated principal single-family dwelling is permitted conditionally, the ADU shall be subject to all standards established by said conditional use permit.

##### **B. Standards**

1. Size.
  - a. The maximum size of an accessory dwelling unit shall be the lesser of seventy-five percent (75%) of the gross floor area of the principal single-family dwelling or one thousand (1,000) square feet.
  - b. The minimum size of a detached accessory dwelling unit shall be no less than three hundred sixty (360) square feet.

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<sup>67</sup> Amended by Ordinance 2524. Adopted November 24, 2025.

2. Building Setbacks and Lot Coverage

- a. The minimum building setbacks and lot coverage area shall meet the minimum building setbacks and total lot coverage area (for all principal and accessory structures, combined) of the principal structure as required by the subject zoning district in which it is located.
- b. If the front building line of the principal structure is established further from the allowed setback, this established front building line shall be considered the effective front building setback for the lot or parcel.

3. Improvements

No improvements to public streets or sidewalks shall be required as a condition of ADU construction except when necessary to reconstruct or repair a public street or sidewalk that was disturbed as a result of construction of the ADU.

C. Review and Approval Procedure

Applications for an accessory dwelling unit shall adhere to the following procedure.

1. Application.

Applicant shall furnish a complete building permit application, including all required plans and documents and payment of review fee.

2. Plans.

Applicant shall furnish a scaled plot plan in accordance with the requirements of the *Building Permits* provisions of this Code.

3. Documents.

Applicant shall complete all required forms and documents in accordance with the requirements of the *Building Permits* provisions of this Code.

4. Additional Information.

Applicant shall provide additional information necessary as required by the Enforcement Officer including, but not limited to:

- a. A "will-serve" document provided by the municipal water system;
- b. A "will-serve" document provided by the municipal sewer system;
- c. Or approval from the Arkansas Department of Health if municipal water and/or sewer services are not available.

D. Fees

1. Review Fee.

A non-refundable review fee as indicated in the Schedule of Fees adopted by the City Council shall be paid as part of the application. If no Schedule of Fees is adopted, the review fee shall be two hundred fifty dollars (\$250).

2. Building Permit Fee.

A non-refundable building permit fee shall be required as indicated in the building permit fee schedule.

## CHAPTER 14.11. SIGNS<sup>68</sup>

Sections:

- 14.11.01 Purpose and Scope
- 14.11.02 Basic Policies and Rules of Interpretation
- 14.11.03 General Provisions and Standards
- 14.11.04 Signs Allowed by Type and Zoning District
- 14.11.05 Nonconforming Signs
- 14.11.06 Variances
- 14.11.07 Violations
- 14.11.08 Schedule of Fees

### **14.11.01 Purpose and Scope**

#### **A. Intent, Scope, and Applicability**

The scope of this Chapter shall be to regulate signs intended to be viewed from any vehicular or pedestrian public right-of-way or publicly accessible fire apparatus road. These regulations are intended to regulate signs in a manner that balances the right of free speech through sign display against the competing public and governmental interests in community aesthetics, safety, prevention of sign clutter and visual pollution, and other negative effects associated with excessive and/or improper signage.

#### **B. Purpose**

Signs are an important and necessary means of communication. When properly regulated, signs can serve as a great economic and aesthetic asset. This Chapter provides standards for the installation and maintenance of signs. All signs shall be installed and maintained in accordance with this Chapter, as applicable. The general purpose of these standards is to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public as well as to prevent the degradation of the aesthetic quality of Sherwood, and to achieve the following:

1. *Safety.* To promote the safety of persons and property by providing that signs:
  - a. Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
  - b. Do not obstruct firefighting, police, and private security surveillance;
  - c. Do not create traffic hazards by confusing or distracting motorists;
  - d. Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals;
  - e. Do not cause hazardous or unsafe driving conditions for motorists due to their lighting; and,
  - f. Do not otherwise interfere with or detract from the safety of persons or property.
2. *Communications efficiency.* To promote the efficient transfer of information in sign messages by providing that:
  - a. Customers and other persons may identify and locate a business, establishment or service;

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<sup>68</sup> Amended by Ordinance 2484. Adopted April 22nd, 2024.

- b. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communications purposes; and,
- c. The messages in signs may otherwise be communicated efficiently.

3. *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economy of the city, by providing that signs:

- a. Do not interfere with scenic views;
- b. Do not create a nuisance to persons using the public rights-of-way;
- c. Do not constitute a nuisance to occupancy of adjacent property by their brightness, light glare and reflection, size, height, or movement;
- d. Are not detrimental to property values;
- e. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore messages, according to the observer's purpose;
- f. Do not create or worsen visual clutter or visual blight;
- g. Do not cover or blanket any prominent view of a structure or facade of historical or architectural significance;
- h. Are compatible with building heights of the existing neighborhood and do not impose a foreign or inharmonious element to an existing skyline;
- i. Do contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;
- j. Do otherwise protect and preserve a quality landscape in the city; and,
- k. Do otherwise enhance the appearance and economy of the city.

C. Authority

This Chapter is adopted under the authority conferred on the City of Sherwood by the General Assembly of the State of Arkansas by the A.C.A. § 14-56-401 through § 14-56-426.

**14.11.02. Basic Policies and Rules of Interpretation**

A. Applicability policy

The scope of these regulations shall be to regulate signs intended to be viewed from any vehicular or pedestrian public right-of-way or publicly accessible fire apparatus road.

B. Message neutrality and substitution policy

This Chapter is not intended to regulate signs in a manner that favors commercial speech over noncommercial speech. A noncommercial message may, in whole or in part, substitute a commercial message on any sign, provided all requirements of this Chapter and other applicable regulations are met. This Chapter is not intended in any way to regulate the message or content of any form of temporary signage.

C. Artwork policy

It is the policy of the City that works of art which do not identify a commercial business, establishment, product, or service and which are not thematically linked to a commercial business, establishment, product or service, will not be considered a sign regulated by this Chapter.

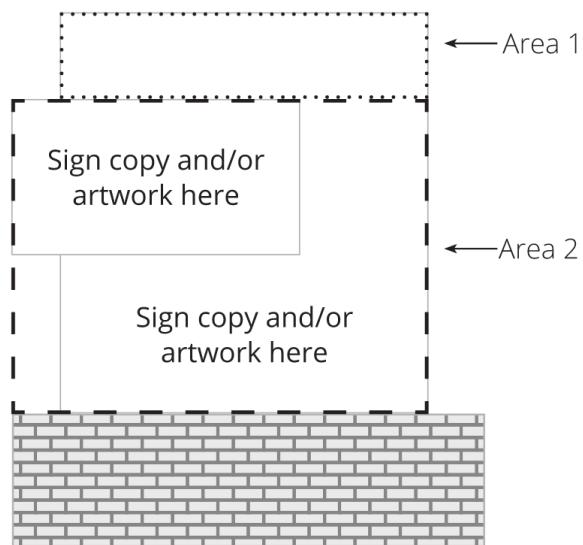
D. On-premise/Off-premise distinction

The distinction between on-premise and off-premise signage applies only to permanent signage with a commercial message. It does not apply to noncommercial messages or temporary signs.

E. Sign area measurement

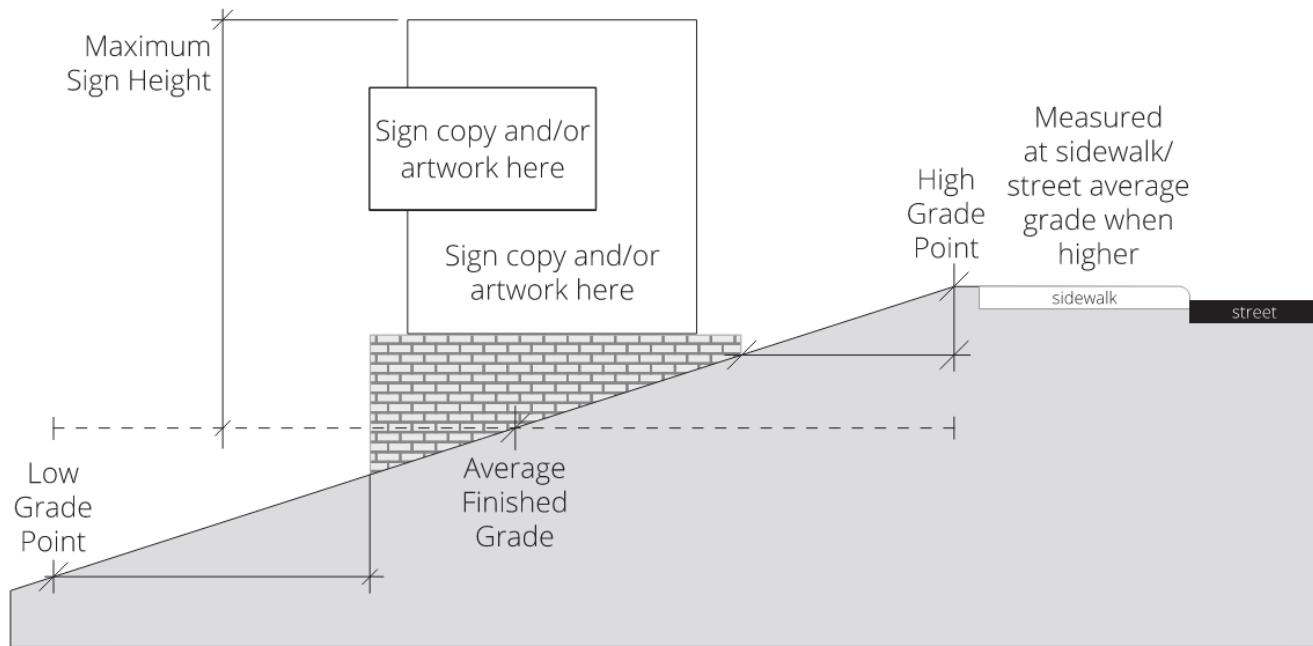
Measurable area of the sign face is the area within the outer boundaries of standard geometrical shapes, primarily squares, rectangles, and circles, containing and defined by the extreme reaches of information or graphic parts of the sign face. In the case of statuary or three-dimensional signs, area shall be measured by a scale accurate drawing of the sign.

Sign area shall be calculated for the area of one (1) side of the sign when the sign has two (2) or more equal sign faces, of which only one (1) is visible at a time from a particular viewpoint. However, when a sign displays more than one (1) copy face to the public, then the area shall be the maximum cumulative total of all faces visible to a viewer at a particular viewpoint.



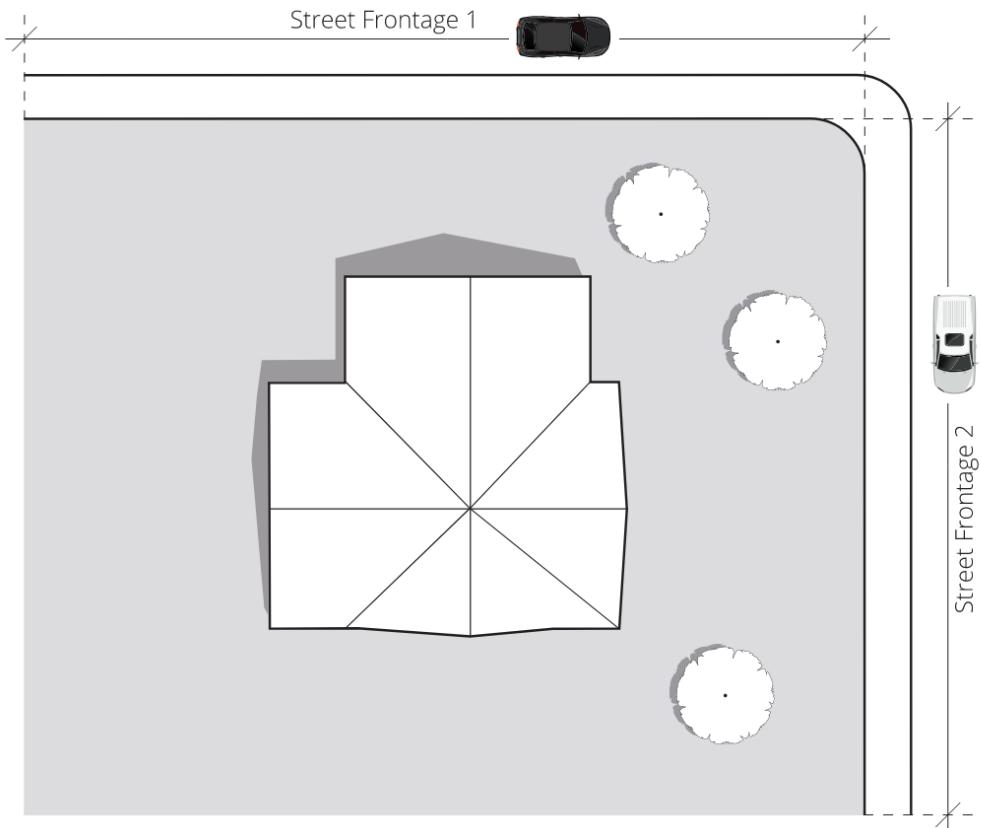
#### F. Height

When determining height, the average established ground level beneath the sign shall be used for measurement. Where the elevation of a street curb or sidewalk is higher than the average established ground level, height shall be measured from the elevation of the street curb or sidewalk. Any berm or fill greater than one (1) foot tall placed at the base of the sign shall not be considered the average established ground level.



#### **G. Street frontage**

Street frontages shall be considered separately for each street the lot fronts in accordance with the definition of frontages.



#### **H. Maintenance**

Maintenance of existing signs, including change of copy, painting of support structures, and same for same exchange of lighting elements shall not require a sign permit. Sign design changes or structural alteration of a sign or sign support structure shall not be considered maintenance.

### **14.11.03. General Provisions and Standards**

#### **A. General**

It shall be illegal for a person or entity to install, place, modify, move, or maintain a sign within the corporate limits of the City of Sherwood except in accordance with the regulations of this Chapter. These regulations establish the minimum standards for the installation, construction, and maintenance of signage. The number and area of signs as outlined in these regulations are intended to be maximum standards. Signs shall only be permitted upon lots/parcels or buildings which are not vacant, meaning those lots/parcels or buildings which are occupied by a conforming or nonconforming primary use.

#### **B. Prohibited Signs**

The following types of signs are prohibited in all districts, except as may be explicitly permitted by this Chapter:

1. Abandoned signs. See § 14.11.03.E.4.

2. Signs imitating or resembling official traffic or government signs or signals which may cause confusion or danger to the public.
3. Non-official or non-government signs places on public property or within a public right-of-way without written consent of the governmental entity.
4. Signs painted on or attached to fences, railings, roofs, fire escapes, trees, utility poles, streetlights, benches, or government and official signs.
5. Spotlights and beacons.
6. Sail signs (except as expressly allowed as a general temporary sign).
7. Flashing signs, except as allowed with an electronic message center. See § 14.11.0.D.
8. Roof signs.
9. Signs affixed to or painted on a vehicle/trailer that is parked adjacent to or within view of a publicly accessible fire apparatus road/public right-of-way for a consecutive period of more than three (3) days with an apparent intent to display signage.
10. Off-premise signage with a commercial message.
11. Billboards not within five hundred feet (500') of the center median of U.S. Highway 67/167, also known as Future Interstate 57.
12. Revolving, rotating, or moving signs.
13. Signs displaying any matter in which the dominant theme of the material, taken as a whole, appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
14. Signs on lots/parcels with no building(s) or structure(s), excluding allowed temporary signage.
15. Any other sign that is not expressly exempt from regulation and/or not expressly allowed under this Chapter.

C. Permit Requirement and Application

Except where explicitly exempted from permitting requirements by this Chapter, no sign may be erected, transferred, rebuilt, changed, or structurally altered unless a permit has been issued by the Enforcement Officer or his/her designee. Addition or modification of illumination of any existing sign which changes the type or intensity of the sign's lighting shall require a sign permit. Signs powered by electrification shall also require a separate electrical permit.

1. *Applications.* Application for a sign permit may be made for multiple signs on one (1) site. Applications shall be made by means provided by the City of Sherwood and shall contain at least the following:
  - a. Permanent Sign:
    - 1) Applicant Information: Name and address of the applicant and/or contractor.
    - 2) Location Information: Street address and/or location of the property where the signage will be located.
    - 3) Property Owner/Authorized Agent: Name and address of the property owner of the sign location along with proof the applicant is an authorized agent of the property owner if the applicant is not the property owner.

- 4) Scaled Site Plan: A scaled site plan showing the location(s) of the signage on the property or building and showing street right-of-way, property lines, and easements as well as relationship to major site features such as buildings, parking, etc. For wall signs, provide dimensions of walls and all wall signs (including windows) on the affected building elevation(s).
- 5) Scaled Sign Drawing: A scaled drawing(s) of the signage showing the design and including dimensions of the sign height, area, design, content, and dimensions of the sign and as well as the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window, or the ground.
- 6) Materials and Illumination: Information listing the type of illumination method used for the sign composition of primary materials for the sign.
- 7) Sign Calculations: Computation of the total sign area, the area of each individual sign, the height of each sign, and the total number and size of existing and proposed signs on the site or structure.
- 8) Engineered Drawings: Any freestanding sign that exceeds twenty feet (20') in height shall be required to provide drawings of the structural elements of the sign stamped by a professional engineer licensed to practice engineering in the State of Arkansas.
- 9) Other Information: Other information as requested by the Enforcement Officer or his/her designee that is reasonably necessary to demonstrate compliance with these regulations.

b. Temporary Sign:

- 1) Applicant Information: Name and address of the applicant and/or contractor.
- 2) Location Information: Street address and/or location of the property where the sign will be located.
- 3) Property Owner/Authorized Agent: Name and address of the property owner of the sign location along with proof the applicant is an authorized agent of the property owner if the applicant is not the property owner.
- 4) Scaled Site Plan: Scaled site plan for the sign, showing proposed location in relation to site features such as street right-of-way, parking, buildings, existing signs, or additional features may be request by the Enforcement Officer of his/her designee.
- 5) Sign Description: Design drawing(s) of the sign or written description of the signs size, materials, and support structures used for installation.
- 6) Other Information: Other information as required by the Enforcement Officer of his/her designee that is reasonably necessary to demonstrate compliance with these regulations.

2. *Application Approval and Issuance.* The Enforcement Officer or his/her designee shall be charged with review of all sign permit applications based upon provisions of this Chapter and other applicable regulations. Review shall be completed within twenty (20) days from receipt of the completed application, including all fees. A decision must be rendered to approve, deny, or provide notice of deficiencies in the application by the end this twenty (20) day review period. A notice of deficiencies in the application will be provided in writing to the applicant. Any application which is amended or corrected within sixty (60) days of receipt of a notice of deficiencies in the application shall not be charged an additional sign review fee. An application shall only be approved when full compliance of the application with these regulations is demonstrated. False statements or misrepresentations of facts in

the application may constitute grounds for denial of an application. For any application which is denied, a written explanation of denial will be provided to the applicant upon request.

3. *Fees.* Fees shall be submitted and paid prior to review of the application. Such fees shall be in addition to any other fees, such as electrical permits, which may apply to the application. All fees are non-refundable.
  - a. Permanent Signs: The fee shall be set in § 14.11.08 unless a schedule of fees is adopted by the City Council. Unpermitted work completed after adoption of this code or applicable portion of this code, and prior to approval of a sign permit shall be assessed a one-hundred fifty dollars (\$150) fee payable prior to issuance of a sign permit for any subsequent work. All fees shall be in addition to any applicable state trade fees.
  - b. Temporary Signs: The fee shall be set in § 14.11.08 unless a schedule of fees is adopted by the City Council. Unpermitted temporary signs placed after adoption of this code or applicable portion of this code and prior approval of a sign permit shall be assessed a one-hundred dollars (\$100) fee payable prior to issuance of a sign permit for any subsequent work. All fees shall be in addition to any applicable state trade fees.
  - c. Inspection and Expiration.
    - 1) Permanent Signs: The person or contractor completing the work covered under the permit shall notify the Enforcement Office or his/her designee after completion of work. A final inspection, in addition to any footing or electrical inspections, shall be required to confirm compliance with the terms of the sign permit. All work covered under a sign permit shall be completed within twelve (12) months of the date of issuance of the permit, or the permit shall become null and void.
    - 2) Temporary Signs: Temporary sign permits, unless otherwise restricted by this Chapter, shall expire twelve (12) months after the date of issuance of the permit.

#### **D. Signs Not Requiring a Permit**

The following sign types shall not require a permit, but must conform to all provisions of these and other applicable regulations:

1. Temporary Signs – Type 1.
2. Signs less than (2) square feet in size that are non-illuminated and attached to a building or structure or supported by a post and arm structure, limited to one (1) per building.
3. Government signs and official public signs, including but not limited to, wayfinding signs, public notice signs, required postings by state/federal/local law, safety signs, danger signs, or traffic signs.
4. Window signs. Must conform to all other area requirements for wall signs, as applicable.
5. Incidental sign less than four (4) square feet in size.
6. Markers located at historic sites which are recognized by local, state, or federal authorities.
7. Signs created by landscaping and comprised only of vegetation.
8. Handheld signs displaying protected noncommercial messages.

#### **E. Construction and Design Standards**

1. *Construction and Installation.* All signs, excluding temporary signs, shall be installed and designed in a manner to conform with current building and electrical codes adopted by the City of Sherwood. Such

signs shall be constructed of materials that are durable and permanent in nature, and permanently affixed through secure anchoring to the ground or a building. Printed materials which are not placed on a cabinet or support structure or not designed to be integrally adhered to a permanent solid surface shall not be considered permanent or durable materials.

2. *Lighting.* Unless otherwise prohibited by separate regulations, all signs may be illuminated excluding temporary signs. No sign may be illuminated in a manner that creates a nuisance to adjacent property due to excessive glare and/or light trespass. No sign may contain illumination when facing a residential use or zoning district within one hundred feet (100') of the sign.
3. *Maintenance Standards.* Every sign, including those specifically exempt from this code in respect to permits and permit fees, and all parts, portions, and materials shall meet these maintenance standards.
  - a. All sign(s)/sign support structures and premises surrounding the same shall be maintained in a clean, sanitary condition free and clear of all rubbish and weeds.
  - b. All sign(s)/sign support structures shall be kept in compliance with all applicable building and electrical codes.
  - c. All sign(s)/sign support structures shall be kept free of deterioration, breakage, termite damage, rot, corrosion, rust, or loosening. All paint and materials shall be kept free of cracking, peeling, or fading.
4. *Abandonment.* Abandoned signs shall be required to be removed. For signs which are legally permitted and conforming, removal shall consist of removal of any sign message. Signs which are legally nonconforming or otherwise nonconforming, removal shall consist of total removal of the sign including all sign support structures. See definition for Sign, Abandoned.
5. *Interference with Utilities.* No sign shall be located within five (5) feet of a fire hydrant, within the utility's designated safety zone of overhead electrical conductors, or upon any easement. Signs may only be placed in an easement when no other feasible alternative location exists in the determination of the Enforcement Officer.
6. *Obstruction of Vision.* No sign or sign landscaping may be installed in a manner to obstruct vision of pedestrian and vehicular traffic at street intersections, driveways, alleys, or publicly accessible fire apparatus roads. The provisions of § 14.10.13 – Sight Triangle shall govern placement of signs within a sight triangle.
7. *Prevention of Access.* Signs attached to and wholly supported by a building shall not project more than eight (8) feet from any building and the bottom of such shall not be less than ten (10) feet above the sidewalk or fourteen (14) feet above a vehicular right-of-way.

**14.11.04. Signs Allowed by Type and Zoning District**

A. Temporary Signs

1. *Permit not Required – Type 1.*

Zoning District(s)	Temporary Sign Types Allowed	Land Use	Limitations
All Zones	Temporary signs allowed on an on-going basis.	All	Number Allowed: 1 per parcel/lot.
			Maximum Size and Height: 6 sq. ft. and 4 ft. tall.
			Other: Such temporary signs are allowed in addition to other allowed temporary signs.
All Zones	Temporary signs when a building or parcel/lot is for sale, lease, or rent. (Excludes sail signs/feather flags)	Residential Use	Number Allowed: 1 per frontage and/or 1 per tenant space.
			1 additional sign allowed for no more than 36 hours when the property is open to the public.
		Nonresidential Use	Maximum Size and Height: 6 sq. ft. and 4 ft. tall.
			Number Allowed: 1 per frontage and/or 1 per tenant lease space.
All Zones	Temporary signs when a building or parcel/lot is under construction or renovation.	Residential Use	Maximum Size and Height: 48 sq. ft. and 8 ft. tall.
			Number Allowed: 2 per building or parcel/lot.
		Nonresidential Use	Maximum Size: 48 sq. ft. each.
			Number Allowed: 2 per building or parcel/lot.
All Zones	Temporary signs when a garage or yard sale is conducted at a building or parcel/lot.	Residential Use	Maximum Size: 64 sq. ft. each
			Number Allowed: No limit as long the maximum size requirements are not exceeded.
			Installation: Ground mounted on a stake or wire frame.
			Maximum Size and Height: 6 sq. ft. and 4 ft. tall.
			Time Duration: Up to 24 hours prior to the sale and ending at 6 PM on the day of the sale. Total duration no more than 48 hours.

Zoning District(s)	Temporary Sign Types Allowed	Land Use	Limitations
All Zones	Handheld sign	All	Handheld signs displaying a protected noncommercial message are permitted when held by or personally carried by one (1) or more persons.
C-4, I-1	Air-dancer signs/Balloon signs	Nonresidential Use	Number Allowed: 1 per frontage.
			Maximum Height: 35 ft. tall.
			Time Duration: No more than 48 hours in a 30-day period.
			Location: Only permitted within 500 ft. of the center median of U.S. Highway 67/167.

2. *Permit Required – Type 2.*

Zoning District(s)	Temporary Sign Types Allowed	Land Use	Limitations
C-1, C-2, C-3, C-4, O-1, O-2, C-SC, I-1	General temporary sign (includes feather flags/sail signs)	Nonresidential Use	Number Allowed: No limit as long the maximum size requirements are not exceeded.
			Maximum Size: 36 sq. ft. for all Type 2 – General Temporary Signs on a parcel/lot.
			Display Time Duration: Allowed for a twelve (12) month period after date of issuance of the permit. If a feather flag/sail sign, may only be displayed during operating hours of the nonresidential use.
			Location/Installation: Secured to a building elevation of structure or at a distance no greater than 5 ft. from primary/principal buildings and/or mobile food vendor truck/trailers. Sign may not extend beyond the roofline of the structure on which it is attached or serving.

B. Signs Allowed in Planned Unit Developments and Special Districts

Sign requirements for districts not covered by these regulations including Planned Unit Developments (PUDs) and other forms of special zoning (see Chapter 14.09 and 14.10) unless a schedule of fees adopted by the City Council shall be established by the document or regulations created for the development or district. If not established for the development or in the regulations pertaining to the special district, an applicant may petition for the development or district to be treated similarly to one or more of the districts contained

in this Chapter. The Enforcement officer shall make a written determination pertaining to the request based on the similarity of the development or district(s) to one or more of the districts in this Chapter. If the Enforcement officer denies the petition, the applicant may request an appeal of a decision of the Enforcement officer to the Board of Zoning Adjustment.

C. Signs Allowed in Residential Zoning Districts

The following types of signs are allowed in the R-1, R-2, R-3, R-4, and MHP zoning districts:

Signs Allowed	Form	Limitations
Sign at the entry of a neighborhood or subdivision	Monument Sign	Number Allowed: 1 sign per frontage external to the subdivision or neighborhood.
		Maximum Size and Height: 48 sq. ft. each and 6 ft. tall.
		Setback: May be placed at the property line, provided it does not extend into the sight triangle or easement.
		Other: Illumination limited to shielded lighting shining onto the signage or used as backlighting for opaque, solid sign face elements.
Sign at the entry of a multi-family development	Monument Sign	Number Allowed: 1 sign per frontage external to the multi-family development.
Maximum Size and Height: 48 sq. ft. each and 6 ft. tall.		
Other: Illumination limited to shielded lighting shining onto the signage or used as backlighting for opaque, solid sign face elements.		
Wall signs for residential use (including home occupations)	Wall Sign	Number Allowed: 1 sign on primary/principal building.
Maximum Area: 4 sq. ft.		
Other: No illumination permitted.		
Wall signs for nonresidential use (excluding home occupations)	Wall Sign	Number Allowed: 1 sign.
Maximum Area: 10% of the aggregate area of the building elevation where the sign is installed.		
Other: Illumination limited to shielded lighting shining onto the signage or used as backlighting for opaque, solid sign face elements.		

Signs Allowed	Form	Limitations
Freestanding signs for nonresidential use (excluding home occupations)	Monument Sign	<p>Number Allowed: 1 sign.</p> <p>Maximum Size and Height: 48 sq. ft. and 6 ft. tall.</p> <p>Setback: May be placed at the property line, provided it does not extend into the sight triangle or easement.</p> <p>Other: Illumination limited to shielded lighting shining onto the signage or used as backlighting for opaque, solid sign face elements.</p>

#### D. Signs Allowed in Commercial, Office, and Industrial Zoning Districts

The following types of signs are allowed in the C-1, C-2, C-SC, C-3, C-4, O-1, O-2, and I-1 zoning districts:

Signs Allowed	Form	Limitations
Freestanding signs on a parcel/lot with a primary building(s). <i>(Less than 5 acres)</i>	Monument Sign	<p>Number Allowed: 1 sign per frontage.</p> <p>Maximum Size and Height: 64 sq. ft. each and 8 ft. tall.</p> <p>Setback: May be placed at the property line, provided it does not extend into the sight triangle or easement.</p>
Freestanding signs on a parcel/lot with a primary building(s). <i>(5 to 20 acres)</i>	Monument Sign	<p>Number Allowed: 1 sign per frontage.</p> <p>Maximum Size and Height: 80 sq. ft. each and 10 ft. tall.</p> <p>Setback: May be placed at the property line, provided it does not extend into the sight triangle or easement.</p>
Freestanding signs on a parcel/lot with a primary building(s). <i>(More than 20 acres)</i>	Monument Sign	<p>Number Allowed: 1 sign per frontage.</p> <p>Maximum Area: 96 sq. ft. each and 12 ft. tall.</p> <p>Setback: May be placed at the property line, provided it does not extend into the sight triangle or easement.</p>

Signs Allowed	Form	Limitations
Freestanding signs for a Regional Scale Development.	Monument Sign	Number Allowed: 1 sign per regional scale development. Such sign shall be in addition to any freestanding signs allowed for each lot in the development. All such additional signs must be monument signs and only 1 per parcel/lot shall be allowed. Such signs shall be no more than 64 sq. ft. in area and 6 ft. tall each.
		Maximum Size and Height: 400 sq. ft. and 50 ft. tall.
		Setback: 15 ft. from the ROW and at least 25 ft. from all adjoining properties.
Wall-attached signs for primary building(s).	Wall Sign Awning Sign Canopy Sign	Number Allowed: No limit, provided area requirements are met.
		Maximum Size: 10% of aggregate area of building elevation where the sign is installed. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).
		Other: Allowed on each building elevation for primary/principal buildings.
	Projecting Sign	Number Allowed: 1 per occupancy.
Wall-attached signs for primary building(s).	Window Sign	Number Allowed: No limit, provided area requirements are met.
		Maximum Size: Window signs are counted against the overall wall sign allowance of 10% of aggregate area of building elevation. (Area includes wall signs, awning signs, under canopy signs, canopy signs, projecting signs, and window signs).

Signs Allowed	Form	Limitations
		Permit Requirements: Not required.
Incidental Sign	All	Number Allowed: No limit, provided area requirements are met.
		Maximum Size: 4 sq. ft. per sign, 16 sq. ft. per occupancy.
Electronic Message Centers	Freestanding Sign	Zoning Districts: C-3 and C-4 zones only.
		Maximum Size: 48 sq. ft. Such sign may only be allowed as part of a larger freestanding sign and count against the maximum area of the freestanding sign.
		Illumination: Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3 foot candles of illumination above ambient light level.
		Message Change: Sign copy shall not change more frequently than once every eight (8) seconds.

#### E. Signs Allowed in the Freeway Sign Area

The following signs shall be permitted in the Freeway Sign Area, being defined as, an area within five hundred feet (500') of the center median of U.S. Highway 67/167 or Future Interstate 57. Sign allowances shall be in addition to signage otherwise allowed, except where specifically noted. See map in § 14.11.09.

Signs Allowed	Form	Limitations
Freestanding sign for nonresidential use	Pole Sign	Number Allowed: 1 sign per parcel/lot with a building.
		Maximum Size and Height: 150 sq. ft. each and 50 ft. tall.
		Setback: 15 ft. from the ROW and at least 25 ft. from all adjoining properties.
Freestanding sign	Billboards	Spacing: Billboards must be spaced 1,000 ft. apart, with each side of the highway being considered separately. Must also be 750 ft. from any residential zoning district or use.

Signs Allowed	Form	Limitations
		<p>Maximum Size and Height: 672 sq. ft. and no more than 50 ft. above natural grade, or, when within 100 ft. of an elevated intersection, not greater than 30 ft. above the plane of pavement of the highest road at the intersection.</p> <p>Other: Must be erected on a monopole. Double-stack billboards are prohibited. Billboards shall be subject to an Annual Billboard Permit Renewal Fee.</p>
Freestanding sign	Digital Billboards	<p>General: New digital billboards (after May 31<sup>st</sup>, 2024) shall be prohibited except when replacing an existing billboard on U.S. Hwy 67/167. Any placement must be accompanied with removal of an additional existing billboard outside Freeway Sign Area, if such billboard exists.</p> <p>Maximum Area and Height: 400 sf. ft and no more than 50 ft. above natural grade, or, when within 100 ft. of an elevated intersection, not greater than 30 ft. above the plane of pavement of the highest road at the intersection.</p> <p>Illumination and Message Limits: Illumination limited to no more than 0.3 foot candles above ambient light and must be capable of dynamically adjusting illumination based on lighting conditions. Message copy may not change more than once per each 8 seconds.</p> <p>Other: Billboards shall be subject to an Annual Billboard Permit Renewal Fee.</p>
Freestanding signs for nonresidential use	Monument Sign	<p>Number Allowed: 1 sign per parcel/lot with a building.</p> <p>Maximum Size and Height: 48 sq. ft. and 6 ft. tall.</p> <p>Setback: May be placed at the property line, provided it does not extend into the sight triangle or easement.</p> <p>Other: Illumination limited to shielded lighting shining onto the signage or used as backlighting for opaque, solid sign face elements.</p>

#### F. Alternative Signage Plan

An alternative signage plan may be used where impractical situations would result from this Chapter. Alternative locations, size or quantity may be justified due to topography, utility easements, lot configuration or subdivision (particularly with respect to a shopping center), or location and size of pre-existing development. Also, the proposed use or collection of uses may not be captured by the spirit and intent of this Chapter, justifying an Alternative Signage Plan. Such plans shall require the approval of the Planning Commission.

Application shall be made in the same manner as prescribed in § 14.11.03.C. The application must additionally include a written letter of justification for the request detailing how the application meets the approval criteria. No application may be accepted without inclusion of a letter of justification. The fee shall be set in § 14.11.08 unless a schedule of fees adopted by the City Council.

At least one of the following conditions shall be met in order for an Alternative Signage Plan to be approved:

1. The applicant affirmatively demonstrates that installation of signage per this Chapter while meeting other site-specific constraints as listed above would put the site in direct violation of other City Ordinances or State or Federal regulations, under any practical site layout configuration.
2. The use(s) and/or architectural elements proposed for the site (as already approved by the city) are such that a standard sign plan under this Chapter would be considered not in keeping with the code and fail to meet the general purpose of the code outlined in this Chapter.
3. The signage plan meets the spirit and intent of § 14.11.01.B as indicated by written opinion of the Enforcement Officer or City Attorney and the Planning Commission can find, as supported by written statement, that approval of the signage plan shall not result in real or possible harm to the public health, safety, and welfare or the subversion of this Chapter.

#### **14.11.05. Nonconforming Signs**

##### A. Determination of Legal Nonconformity

1. *Nonconforming Signs Generally.* A nonconforming sign is any permanent sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this Chapter. This includes all signs except temporary signs.
2. *Continued Use.* A legally established sign which fails to conform to this Chapter and other applicable regulations shall be allowed continued use. A pre-existing nonconforming sign shall not be expanded, moved, or relocated. A pre-existing nonconforming sign may not be relocated due to any street improvement project. New replacement signage shall meet current standards, except as otherwise expressly allowed by § 14.11.05.B.2.

##### B. Loss of Legal Nonconforming Status

1. *Existing Signs.*
  - a. If the sign face is damaged or unintentionally destroyed, the face may be replaced. The sign face support structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure.
  - b. If the structural components of the sign including the face support structure/cabinet is damaged or unintentionally destroyed, the structure and face may be replaced with a sign face support structure and sign face complying with the current adopted standards of this Chapter. If damaged to the

extent of more than fifty percent (50%) of the replacement cost, the sign may not be replaced. The determination of damage shall be based on the average of three (3) estimates from three (3) separate sign companies.

2. *Modification.* A sign shall lose nonconforming status if altered in any way except toward compliance with this Chapter. This does not refer to change of copy, face of the sign, or normal maintenance. Normal maintenance does not include the replacement of structural elements.

Existing legally nonconforming signs, excluding billboards, which are nonconforming due to height or size, may be replaced or modified with a new or modified sign. In such instances, the new sign, if not proposed to be conforming, must be no more than seventy-five percent (75%) of the size and/or height of the existing sign.

3. *Change of Message and Copy.* Any sign shall be allowed to change its message and copy without loss of legal nonconforming status.

#### **C. Maintenance and Repair of Nonconforming Signs**

The legal nonconforming sign is subject to all requirements for this Chapter regarding safety, maintenance, and repair.

#### **14.11.06. Variances**

No variances shall be allowed from the size area requirements of this code. No variances concerning electronic message centers or billboards shall be allowed. The remaining requirements and limitations of this Chapter, i.e., height, location, etc. may be varied in accordance with Arkansas law. Variance applications shall be consistent with the provisions of § 14.14.05. The fee shall be set in § 14.11.08 unless a schedule of fees adopted by the City Council.

#### **14.11.07. Violations**

##### **A. Permanent and Temporary Signs**

When a violation of this Chapter exists, the Enforcement Officer/Code Enforcement Officer shall issue a written order to the alleged violator. The order shall specify those sections of this Chapter which the individual may be in violation of and shall state that the individual has ten (10) days from the date of the order in which to correct the alleged violation. If after this period, the alleged violation is not corrected, the Enforcement Officer may cause the Code Enforcement Officer to issue a citation for the alleged violation.

##### **B. Removal of Signs**

1. In cases of emergency, the Enforcement Officer/Code Enforcement Officer may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present an immediate hazard to public safety as defined in the local building or traffic codes.
2. The Enforcement Officer may also cause the removal of an illegal sign in cases of emergency for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Enforcement Officer.

If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become an assessment upon a lien against the property of the sign owner and will be certified as an assessment against the property together with a ten percent (10%) penalty for collection in the same manner as the real estate taxes and in accordance with State law.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon, unless documented facts to the contrary are brought to the attention of the Enforcement Officer, as in the case of a leased sign. For purposes of removal, the definition of sign shall include all embellishments and structures designed specifically to support the sign.

C. Signs in the Public Right-of-Way

In cases of illegal signs placed in the public right-of-way, the Enforcement Officer may or may cause the Code Enforcement Officer to immediately remove the sign without notification of the owner of the sign.

D. Responsibilities for Violations

Any person or entity having express or implied authority over a sign, including but not limited to a person acting as an authorized agent for a landowner to apply for a sign permit or install a sign, together with the landowner or lessor of the property where a sign is located, shall be jointly and separably liable for any violations of this Chapter to the extent the person or entity caused or knowingly permitted the existence of the violation.

E. Penalties

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Fines for a violation shall not be less than fifty dollars (\$50) and no more than two hundred dollars (\$200) per day the violation continues.

If a second offense occurs within twelve (12) months of the prior offense, the fine shall be no less than one hundred dollars (\$100) per day the violation continues.

If a third offense and any subsequent offenses occur within twelve (12) months of the second offense, the fine shall be no less than two hundred dollars (\$200) per day the violation continues.

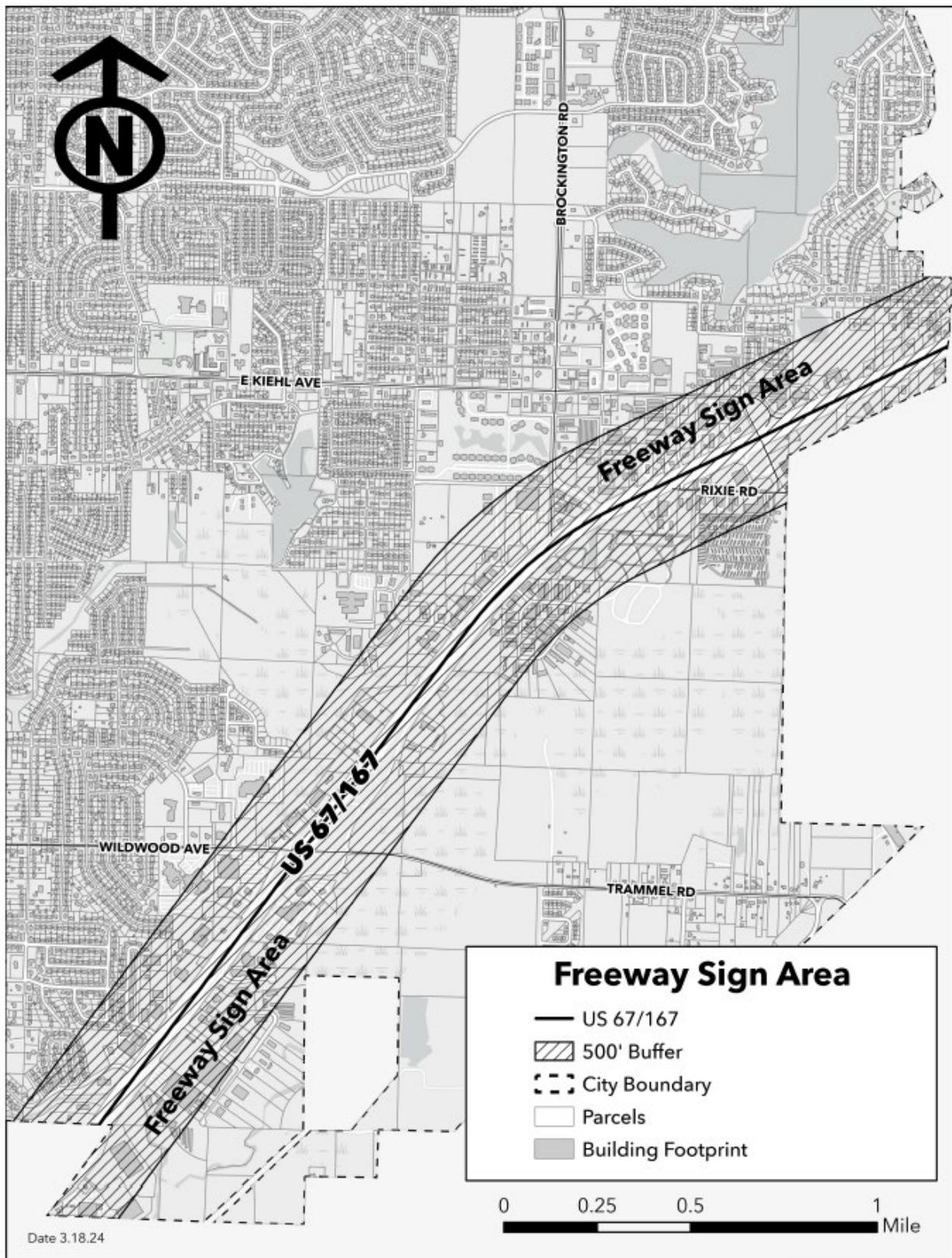
#### **14.11.08. Schedule of Fees**

Fees shall be determined by a fee schedule adopted by the City Council. If no fee schedule is adopted following passage of these regulations, fees shall be as follows:

Sign Type	Fee
Sign Permit Application	\$50
Billboard Sign Permit Application	\$325
Annual Billboard Permit Renewal Fee	\$100
Sign Reinspection Fee	\$25
Annual Temporary Sign Permit Application	\$25
Alternative Signage Plan Application	\$325
Sign Variance Application	\$325
Unpermitted Work Fee – Permanent Sign	\$150
Unpermitted Work Fee – Temporary Sign	\$100

**14.11.09. Freeway Sign Area Map**

Map for Freeway Sign Area as described in § 14.11.04.E.



## **CHAPTER 14.12. OFF-STREET PARKING AND LOADING**

Sections:

- 14.12.01 Off-Street Parking Space Requirements
- 14.12.02 Special Location or Sharing of Same Off-Street Parking Space
- 14.12.03 Amount of Off-Street Parking Space Required
- 14.12.04 Off-Street Loading

### **14.12.01. Off-Street Parking Space Requirements**

#### **A. Purpose and Intent**

No land shall be used or occupied, no structure shall be designed, erected, altered, used, or occupied and no use shall be operated unless the off-street parking space herein required is provided in at least the amount specified, and is striped and maintained in the manner herein set forth. 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 Code it shall not be required under this Code. From the effective date of this Code, 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 A.C.A. § 27-15-30 et. Seq. concerning handicapped parking.

#### **B. Location of Off-Street Parking Space**

Off-street parking space shall be located on the same lot as the use for which parking is provided and may be composed of one (1) or several separate parcels, unless otherwise provided for herein.

#### **C. 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:

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

#### **14.12.02. Special Location or Sharing of Same Off-Street Parking Space**

##### **A. Purpose of Procedure**

Under the standard provisions of this Codee, 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.

##### **B. Limitations on Procedure**

###### **1. Location Separated from Use**

In the R-1, R-2, R-3, and R-4 Districts, off-street parking space for residential uses shall be located no farther from the lot of the use for 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 for 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.

###### **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 schedule 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.

###### **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 and the owner or owners of all structures then existing on said land area and all encumbrances of said land area and structures; applications 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 and shall contain such information and representations required by this Code 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.

###### **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.

###### **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 also be registered with the Planning Commission and a copy of such plan, or such records thereof as deemed proper by the Commission, shall be recorded by the owners in the office of the county recorder.

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 assignees, 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.

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.

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 release 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 requirements of this Code 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 an appropriate certificate of such withdrawal.

**14.12.03. 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.

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 one-half (1 ½) 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 one-half (1 ½) spaces per unit.

- e. Mobile Homes – Two (2) spaces per mobile home space.
- f. Mobile Home Park Community Building – One (1) space per ten (10) mobile home spaces.
- g. Mobile Home Park Visitor Parking – One (1) space 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) space 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) spaces plus one (1) space for each two hundred (200) square feet over one thousand (1,000) square feet.

C. PARKING TYPE III

- 1. Residential Uses
  - Elderly Housing – one half (0.5) space per unit
- 2. Office and Institutional
  - a. Churches – For the seating capacity in the principal room or hall, one (1) space 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) space for each five (5) seats if with fixed seats.
  - c. Public tennis courts and private tennis clubs – Two (2) spaces per court, plus one (1) each per 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) space per one and one-half (1 ½) beds
  - b. Hospitals, extended care – One (1) space per two (2) beds
  - c. Hospitals, convalescent (or nursing home) – One (1) space 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) space 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.<sup>69</sup>

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<sup>69</sup> Amended by Ordinance 1388 – Adopted April 27, 1998.

4. Entertainment and Recreation

- a. Theaters, auditoriums, and sports arenas or stadia, including school auditoriums and stadia – For all fixed seating capacity, one (1) space for each four (4) seats; theaters in shopping centers, one (1) space per eight and one-half (8 1/2) seats.
- b. Dance halls and exhibitions halls, without fixed seats for floor area devoted to public assembly of activity – One (1) space for each one hundred (100) square feet floor area devoted to the principal activity.
- c. Billiard and poolrooms – Two (2) spaces per table.
- d. Bowling alleys – Three (3) spaces for each alley except when in a shopping center which includes a supermarket, when it shall be two (2) spaces per alley.
- e. Golf courses – Four (4) spaces per hole, plus required spaces for restaurants and cocktail lounges.
- f. Health spas and gymnasium – Ten (10) spaces plus one (1) space for each two hundred (200) square feet of floor area in excess of one thousand (1,000) square feet.
- g. Public swimming pools and private swim clubs – Twenty (20) spaces per pool (not including wading pools or whirlpool baths), plus one (1) space 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) space for each three hundred (300) square feet floor area, plus one (1) space for each five hundred (500) square feet floor area in excess of twenty thousand (20,000) square feet.
- b. Banks (commercial) – One (1) space for each two hundred (200) square feet.
- c. Medical and dental offices and clinics – One (1) space each for two hundred (200) square feet floor area.
- d. Veterinarians, animal, and veterinary hospitals – One (1) space for each two hundred and fifty (250) square feet of floor area exclusive of boarding areas.
- e. College or university – One (1) space per three (3) classroom seats.
- f. Trade, vocational and business school, not otherwise listed – One (1) space per employee, plus one (1) space per three (3) student classroom seats.
- g. Dance schools other than ballrooms – Five (5) spaces plus one (1) space 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) spaces, plus one (1) space 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) spaces; three thousand (3,000) to five thousand (5,000) square feet floor area, five (5) spaces, plus one (1) space 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) spaces, plus one (1) space 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) spaces, plus one (1) space 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) spaces, plus one (1) space 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) space per seven hundred and fifty (750) square feet of warehouse area open to the public.
  - d. Service stations – A minimum of five (5) spaces, of which at least one (1) space must be large enough to accommodate a towing vehicle.
  - e. Drive-in restaurants - A minimum of twenty-five (25) spaces.
  - f. Agricultural and commercial nurseries – ten (10) spaces, plus one (1) space for each one hundred and fifty (150) square feet inside sales area over one thousand (1,000) square feet, and one (1) space per two thousand (2,000) square feet outside area open to the public.
2. Personal Services
  - a. Self-service laundry and dry cleaning – one (1) space for each three (3) machines.
  - b. Dry cleaning pickup – three (3) spaces, plus one (1) space for each five hundred (500) square feet over one thousand (1,000) square feet.
  - c. Repair services, wearing apparel, motor vehicle, appliance, and furniture – five (5) spaces plus one (1) space 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) space 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 then thousand (10,000) square feet or portion thereof.
  - b. Corporation yard – three (3) spaces, plus one (1) space for each twenty thousand (20,000) square feet of yard area over forty thousand (40,000) square feet.

2. Laboratories, when a primary use – four (4) spaces, plus one (1) space for each three hundred (300) square feet in excess of one thousand (1,000) square feet.
3. Car washes – two and a half (2 ½) spaces for each wash bay.

H. PARKING TYPE VIII

Wholesale trade – one (1) space 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.

I. ADDITIONAL PARKING REQUIREMENTS

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

**14.12.04. Off-Street Loading**

A. Loading Space Required

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.

B. Scope

The requirements 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 requirements shall apply and govern only those structures in which are operated as a use or uses, which, pursuant to the provisions of 14.12, are required to provide and maintain more than eight hundred (800) square feet of off-street parking space.

C. 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 used, occupied and operated on the effective date of this Code it shall not be required; 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 for 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.

D. Location of Off-Street Loading Space

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

E. 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.

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.
2. For structures containing twenty-five thousand (25,000) or more square feet of gross floor area, the number of berths is 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:

<b>Square feet of Gross Floor Area Required</b>	<b>No. of Berths</b>
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

## **CHAPTER 14.13. NONCONFORMITIES<sup>70</sup>**

Sections:

- 14.13.01 Purpose and General Provisions
- 14.13.02 Nonconforming Structure
- 14.13.03 Nonconforming Use of Land
- 14.13.04 Nonconforming Use of Structures
- 14.13.05 Expansion of Nonconformities

### **14.13.01. Purpose and General Provisions**

The purpose of this chapter is to establish requirements, limitations, and exceptions for the continued existence of uses, lots, and structures that are deemed to not conform with this Code. Such nonconformities may continue, but the provisions of this Chapter are designed to curtail their enlargement or expansion and encourage their eventual elimination in order to preserve the integrity of the Zoning Districts and the requirements established by these regulations.

A structure, use of land, or use of a structure may be made nonconforming in the following ways:

1. The structure, use of land, or a use of a structure was legally established prior to the effective date of the original adoption of this Code.
2. The structure, use of land, or a use of a structure was legally established prior to the effective date of an amendment of this Code that made it nonconforming.
3. The structure, use of land, or a use of a structure was annexed into the City of Sherwood and did not conform to this Code at the time of annexation. Such structures, uses of land, and uses of a structure are considered legally established.

### **14.13.02. Nonconforming Structure**

A legally established nonconforming structure which would be prohibited because of restrictions on area, lot coverage, height, yard requirements, or other requirements, may continue, under the following conditions:

- A. The nonconforming structure shall remain otherwise legal.
- B. The nonconforming structure shall not be rebuilt or repaired if it is considered destroyed, unless it is brought into full conformance with provisions set forth in this Code. A Structure shall be considered destroyed if the cost of damage to the structure exceeds more than fifty (50) percent of its replacement cost at the time of destruction. The property owner shall be required to provide evidence and information on the structure to the Enforcement Office to assist in making his or her determination.
- C. The nonconforming structure may be added on to if the structure's use is conforming and the addition meets the area requirements of the lot's Zoning District. An addition of this type shall require approval of the Planning Commission unless the addition does not increase the structure's nonconformity in any manner or affect those portions of the structure causing the nonconformity; in this case, the Enforcement Office may allow expansion.

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<sup>70</sup> Entire Chapter Amended by Ordinance 2475 – Adopted December 18, 2023.

#### **14.13.03. Nonconforming Use of Land**

A legally established nonconforming land use may continue, under the following conditions:

- A. The nonconforming use shall not be made larger or increase, increase in intensity, or occupy a greater land area than it did prior to being made nonconforming by this Code or Annexation.
- B. The nonconforming use shall not be resumed if it ceases, voluntarily or involuntarily, for more than twelve (12) consecutive months. After said use has ceased for twelve (12) consecutive months, all uses of the land shall conform to the requirements of this Code and the underlying Zoning District.
- C. To remain legal the nonconforming use shall maintain a business license, if applicable.

#### **14.13.04. Nonconforming Use of Structures**

A legally established nonconforming use of a structure may continue, under the following conditions:

- A. The nonconforming use of a structure shall remain otherwise legal and maintain a current business license, if applicable.
- B. A nonconforming use of a structure shall be allowed to expand or increase within the structure. The structure is required to have been designed or arranged for the nonconforming use prior to being made nonconforming by this Code or Annexation. Said nonconforming use shall not be allowed outside of the structure.
- C. A nonconforming use of structure or structure and premises, if changed to a conforming use, shall from then on be required to conform to the requirements of this Code. All future uses of the structure and premises shall be conforming uses.
- D. A nonconforming use of structure or structure and premises may not resume if considered abandoned. A nonconforming use of a structure or structure and premises shall be considered abandoned when it is discontinued, voluntarily or involuntarily, for twelve (12) consecutive months. All future use of the structure and premises shall conform to the requirements of this Code.

#### **14.13.05. Expansion of Nonconformities**

Except where the Enforcement Officer is empowered to allow modification of a nonconforming structure, the Planning Commission may allow the expansion of a nonconforming use of land/structure or a nonconforming structure. The following process shall govern such actions:

##### **A. Application**

An application shall be made by the property owner/authorized agent. The application shall be made by means provided by the City of Sherwood in accordance with the Planning Commission calendar. No application shall be accepted and processed without required materials and payment of fees.

The application shall, at a minimum, include the following information and documents:

1. Applicant Information. The name and address of the applicant.
2. Property Owner/Authorized Agent Form. Form indicating that the applicant is the owner(s) of the property of the applicant is authorized to apply and act on behalf of the owner(s).
3. Location Information. Address and accurate legal description of the property.

4. Survey. A boundary survey of the property including building locations, building outlines, driveways, parking lots, abutting streets, north arrow, and other pertinent information as may be required by the Enforcement Officer.
5. Site Plan. If applicable, a site plan including the proposed improvements for the expansion of the nonconformity.
6. Fee. Payment of the prescribed nonrefundable fee as indicated in the Schedule of Fees adopted by the City Council. The fee shall be at least three hundred twenty-five (\$325) dollars.

B. Review

1. Staff Review: The Enforcement Officer shall review the application and may provide a recommendation for action on the item.
2. Planning Commission Review: The Planning Commission shall review the application and render a decision. In consideration of such action, the Planning Commission shall use the following criteria to evaluate approval of expansion of nonconformity:
  - a. Information presented by the Enforcement Officer.
  - b. Impacts of the expansion on adjacent property.
  - c. Conformance of the expansion to all other standards of this Code and other applicable regulations.
  - d. Expansion will not result in undue increase in noise, vibration, glare, dust, or smoke.
  - e. Consistency of the expansion with the Comprehensive Plan.
3. Approval: to approve an expansion the Planning Commission shall be required to affirmatively find the expansion will not unduly negatively impact adjacent property or undermine the spirit and intent of this Code. The Planning Commission may impose conditions on the expansion to protect the public interest and public health, safety, and general welfare.

## **CHAPTER 14.14. BOARD OF ZONING ADJUSTMENT<sup>71</sup>**

Sections:

- 14.14.01 Creation
- 14.14.02 Organization and Meeting Requirements
- 14.14.03 Functions of the Board
- 14.14.04 Application for Appeal
- 14.14.05 Application for Variance
- 14.14.06 Posting of Signs
- 14.14.07 Appeals to the Court

### **14.14.01. Creation<sup>72</sup>**

Pursuant to the requirements of state law, a Board of Zoning Adjustment (the “Board”) is created and shall consist of the membership of the Sherwood Planning Commission.

### **14.14.02 Organization and Meeting Requirements**

#### **A. Board Composition**

A chairman and vice-chairman shall be annually elected by the Board members. A Board Secretary may be elected or provided by the Planning, Permitting and Inspection Department (the ‘Department’) as a ‘non-voting’ member. The duties of the chairman shall be to preside at all meetings, decide points of order, administer oath(s), and compel the attendance of witnesses. The vice-chairman shall preside in the absence of the chairman.

#### **B. Meetings<sup>73</sup>**

The Board shall meet a minimum of once each January, but meetings may be called at any time. Meetings shall be held in a location designated by the Board by-laws and shall be open to the public. The chair may designate an alternate location in the City when the location designated in the Board by-laws is not available for a public meeting. Minutes of all proceedings shall be maintained and kept as public record by the Administrative Official. The presence of at least four (4) members shall be necessary to constitute a quorum, and the concurring vote of a majority of the entire Board, being at least four (4) votes, shall be necessary to make official any action by the Board.

#### **C. Public Notice**

A public notice of any meeting of the Board shall be advertised in a newspaper of general circulation in the city at least one (1) time seven (7) days prior to the meeting. The notice shall specify the business to be carried on in the meeting.

### **14.14.03 Functions of the Board**

The Board shall have the powers and duties prescribed by law and this Code, which are more particularly described as follows:

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<sup>71</sup> Entire Chapter Amended by Ordinance 2253 – Adopted June 24, 2019.

<sup>72</sup> Amended by Ordinance 2465 – Adopted October 23, 2023.

<sup>73</sup> Ibid.

A. Appeals

Hear and decide appeals from the decision of the enforcement officer(s) of this Code 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.

B. Variances

Hear and decide requests for variances from the literal provisions of this Code. A variance may be granted if there are extraordinary conditions and/or uniqueness to a particular piece of property, where strict enforcement would cause undue hardship upon the property owner(s). Establishing 'uniqueness' for a particular property under consideration includes, but is not limited to, the following criteria: orientation, narrowness, shallowness, irregularity, depth, topographical conditions, and shape. The Board shall not permit as a variance any use in any zoning district that is not a permitted use in such district.

C. Hearing Proceedings

1. All testimony must be sworn.
2. The Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property

**14.14.04. Application for Appeal**

- A. All appeals shall be applied for, in writing, specifying the grounds for such appeal and filed with the Secretary of the Board (Secretary) on the 1<sup>st</sup> business day of the month prior to the hearing. The application shall include, at a minimum:
  1. The specific location, including assessor's parcel identification number, and emergency 911 address (where applicable), for the requested appeal.
  2. A specific explanation of why the applicant believes the decision should be appealed.
  3. Payment of a filing fee of \$50.00, no part of which is refundable.
- B. The Secretary shall schedule a hearing on the appeal.
- C. The Secretary shall notify the applicant by certified mail an official 'Letter of Decision', inclusive of the type of decision rendered (i.e. approved, approved with conditions, denied) and the date the decision was rendered.

**14.14.05 Application for Variance**

All requests to the Board for a variance shall be via an application which may only be filed by the property owner for which relief is being sought. However, non-property owners may apply, but only if they complete a notarized affidavit, inclusive of the property owner's signature, which authorizes a specified non-owner to file the application on their behalf. Affidavits shall be made available on forms furnished by the Department and made part of the formal application as a whole.

- A. The applicant shall pay a filing fee of one hundred twenty-five dollars (\$125.00), no part of which shall be refundable.<sup>74</sup>
- B. The variance application deadline is the 1<sup>st</sup> business day of the month prior to the hearing.

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<sup>74</sup> Amended by Ordinance 2482 – Adopted February 26, 2024.

- C. A current site plan (10 copies) showing existing improvements (buildings, etc.) and proposed improvements, dimensions of property lines, easements, adjoining right of way, etc. should be indicated. A professional survey is not required, but the site plan should be easily readable.
- D. Hearing notification letters must be sent to all abutting property owners and property owners across the street of the proposed variance. These letters must:
  1. Be sent certified, with a signed receipt and proof of the notification, furnished to the Secretary at least 5 working days before the scheduled hearing; and,
  2. Contain the following:
    - a. Name, address and phone number of applicant(s)
    - b. Name, address, and phone number of property owner (if different from applicant)
    - c. Property address subject to the application
    - d. Name of business, if applicable
    - e. Date, time, and location of the variance hearing
    - f. The variance (relief) requested and an explanation of the undue hardship that strict adherence to the rule or law will cause.
- E. The Secretary shall formally notify the applicant, by certified mail, of the decision of the Board. Said notification shall be specific with respect to whether the request for variance is approved, approved with conditions, or denied, inclusive of the date the decision was made, and the basis of the decision.

#### **14.14.06 Posting of Signs**

Any application submitted to the Board shall procure a sign or signs from the Department, subject to the following conditions:

- A. Signs shall be:
  1. displayed on the property on a post or other suitable standard not less than seven (7) days prior to the date of the hearing.
  2. displayed so as to be prominent and in full view of the passing motorist and pedestrians.
  3. posted along the frontage abutting any street at an interval of one hundred feet (100').
  4. posted with at least one (1) sign along the frontage abutting each street on properties with less than two hundred feet (200') street frontage.
  5. maintained by the applicant to remain visible and readable until the Board has issued a ruling
- B. Applicant shall pay a single security deposit of \$30 for any and all required signs.

#### **14.14.07 Enforcement and further Appeal**

- A. In circumstances where existing, illegal condition(s) continue to persist at the property subject to the appeal or variance, and the application is denied by the Board, in whole or in part, the Secretary shall notify the applicant, via certified mail, that the illegal condition(s) must be abated within thirty (30 days) from the date of decision. Failure to correct the illegal condition within the abatement timeframe shall result in the issuance of a citation by the enforcement officer.
- B. All decisions of the Board shall be subject to appeal only to a court of record having jurisdiction.

## **CHAPTER 14.15. ADMINISTRATION AND ENFORCEMENT**

Sections:

- 14.15.01 Enforcement Officer(s)
- 14.15.02 Building Permit
- 14.15.03 Fee
- 14.15.04 Penalty for Violation
- 14.15.05 Certificate of Occupancy

### **14.15.01. Enforcement Officer(s)**

The provisions of this Code 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 this Code or may mandamus any official to enforce the provisions thereof.

### **14.15.02. Building Permit**

After the effective date of this Code, 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 alteration 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 this Code. 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 Planning and Permits.

### **14.15.03. Fee**

See Ordinance No. 1599, as amended regarding applicable Building Permit Fees.

### **14.15.04. Penalty for Violation**

Violations of any provisions of this Code 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) dollars, nor more than five hundred (500) dollars. Each day a violation shall occur shall be deemed a separate offense.<sup>75</sup>

### **14.15.05. Certificate of Occupancy**

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.

#### **A. 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

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<sup>75</sup> Amended by Ordinance 1148 – Adopted February 28, 1994.

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 the City relating to the use or occupancy of any other matter required by this section.

## **CHAPTER 14.16. LANDSCAPING**<sup>76</sup>

Sections:

- 14.16.01 Purpose and Intent
- 14.16.02 Definitions
- 14.16.03 Scope
- 14.16.04 Exemptions
- 14.16.05 Plant Material Selection Requirements
- 14.16.06 Landscape Requirements for Vehicular Use Areas
- 14.16.07 Additional Landscape Requirements for Public Rights of Way
- 14.16.08 Landscape Requirements for Buffering and Screening
- 14.16.09 Procedure
- 14.16.10 Installation Requirements
- 14.16.11 Maintenance
- 14.16.12 Enforcement
- 14.16.13 Penalty
- 14.16.14 Appeal

### **14.16.01. 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 a minimum requirements and standards for the planting, screening, and landscaping of such parking areas. This Section 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 Section 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 blight
- 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
- F. Providing tree cover for increased cooling

### **14.16.02. 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 uses 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.

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<sup>76</sup> Amended by Ordinance 1492 – Adopted September 25, 2000.

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 read 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.

Landscape Plan: A plan document showing all required landscaping elements listed in Section 14.16.09.B. The landscape plan elements may be combined with the site plan in a single document.

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 buildings 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: A line across a lot establishing the minimum open space to be provided between the buildings and structures and property line. 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 woody 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 stie 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 woody 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 operations 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.

**14.16.03. Scope**

- A. This subsection 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 Chapter will apply:
  1. To all such future vehicular use areas, as such areas are developed.
  2. 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.
- B. The provisions of this section for buffering/screening dissimilar land uses are to be enforced with:
  1. With all new building permits or expansion of existing structures,
  2. With all new property plats of addition or replats; and,
  3. With all new amendments to the official zoning map.
- C. 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."
- D. Zoning districts shall be designated in the following major use categories:

1. Single Family Zones	R-1 & R-2
2. Multi-Family Zones	R-2 & R-4
3. Commercial Zones	C-1, C-2, C-3, C-4, O-1, O-2, & I-1
4. Planned Development	PUD
- E. 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. The following are required by buffer types:

Table A  
Buffering/Screening Dissimilar Land Uses

Principal Zoning District or uses	Landscape Type
1. Industrial (Principal Use or Zone)	
Multi-Family	A
Single Family (Zone or Use)	A
2. Commercial (Principal Use or Zone)	
Multi-Family	A
Single Family (Zone or Use)	B or A
3. Multi-Family (Principal Use or Zone)	A
Single-Family (Zone or Use)	B or A

Type A: Landscaping/Screening subject to full requirements of this section.

Type B: Landscaping/Screening subject to partial requirements of this section by the Sherwood Planning Commission and no less than fifty (50%) percent of these requirements.

#### **14.16.04. Exemptions**

This section does not apply to:

1. The construction or reconstruction of streets by the City, county, state or federal agency; or by private developers; or construction undertaken in Street Improvement Districts.
2. 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 section shall be dependent on the approval of the Sherwood Planning Commission.

#### **14.16.05. Plant Material Selection Requirements**

- A. Plant material used for compliance with the provisions of this section 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.
- B. It is the intent of this section be flexible; thus, any person, firm or corporation may select plants not listed herein for landscaping and screening vehicular use areas, other than the rights-of-way, as long as plants substituted are able to withstand harsh weather conditions, comply with all other provisions of this section, and are approved by the Sherwood City Engineer.
- C. 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
<b>1. Evergreen Trees</b>	
<i>Eriobotrya Japonica</i>	Loquat
<i>Ilex</i> species	Evergreen Holly
<i>Myrtus</i> species	Wax Myrtle
<i>Pinus</i> species	Pine
<i>Prunus caroliniana</i>	Carolina Laurel Cherry
<b>2. Deciduous and Flowering Deciduous Trees</b>	
<i>Betula</i> species	Birch
<i>Cercis Canadensis</i>	Red Bud
<i>Crataegus</i> species	Hawthorne
<i>Cupressus</i> species	Cypress
<i>Ginkgo Biloba</i>	Ginkgo
<i>Gleditsia tricanthos 'inennis'</i>	Thornless Honey Locust
<i>Ilex decidua</i>	Deciduous Holly
<i>Koelreuteria paniculata</i>	Goldenmin Tree
<i>Magnolis soulangeana</i>	Saucer Magnolia
<i>Magnolia virginiana</i>	Sweet Bay Magnolia
<i>Prunus cerasifera 'antropupurea'</i>	Purple Leaf Plum

Scientific Name	Common Name
<i>Prunus serrulata</i> 'quansant'	Quansant Cherry
<i>Pyrus Calleryana</i>	Bradford Pear
<i>Pistacia Chinensis</i>	Pistachio
<i>Quercus</i> species	Oak
<i>Sassafras albidum</i>	Sassafras
<i>Vitex</i> species	Vitex
<i>Lagerstroemia indica</i>	Crape Myrtle

D. 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.

Scientific Name	Common Name
1. Evergreen	
<i>Cedrus deodara</i>	Deodar Cedar
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Quercus virginiana</i>	Live Oak
2. Deciduous and Flowering Deciduous Trees	
<i>Acer</i> species	Maple
<i>Celtis</i> species	Hackberry
<i>Comus Florida</i>	Dogwood
3. Shrubs (All shrubs, which may be, used in all vehicular use areas, including public rights- of-way.)	
<i>Abelia</i> species	Abelia
<i>Bamboo</i> species	Bamboo
<i>Cotoneaster</i> species	Cotoneaster
<i>Elaeagnus</i> species	Elaeagnus
<i>Ilex</i> species (evergreen)	Evergreen Holly
<i>Juniperus</i> species (shrub form)	Juniper
<i>Ligustrum japonicum</i>	Waxleaf Ligustrum
<i>Nandina</i> species	Nandina
<i>Photinia</i> species	Photinia

E. Grasses - The following grasses may be used to comply with this section of the Code.

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.

Scientific Name	Common Name
Ground Covers (The following ground covers may be used in all vehicular use areas, including public rights-of-way.)	
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
Trachelospermum asiaticum	Asian Jasmine
Wisteria species	Wisteria
Vinca minor	Periwinkle

#### E. Earth Berm

Earth berm must be protected from erosion with suitable plant material, grown 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.

#### **14.16.06. 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 irregularly shaped lots, the Sherwood Planning Commission may grant a deviation to not less than four (4) feet in width. 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.
  2. 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).
  3. 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.
  4. Adjustments can be made in the above requirements to facilitate location of adjacent lot access drive. 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 connection 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 abutting right-of-way. This strip(s) shall be at least six (6) feet in width beyond the vehicular encroachment.
2. Concrete curbing or other approved material shall be provided around the base of the 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 measure 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. The Sherwood City Engineer must approve the design and location of barriers of non-living material. 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 deviation 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 be spaced five (5) feet on center, but rather, except for free standing specimen plants may be planted in groupings 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 limb 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 a 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 section 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 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 yard and compounds used for storing materials, manufactured products, or equipment and/or 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 an exception from the Sherwood Planning Commission.

**14.16.07. Additional Landscape Requirements for Public Rights of Way**

- A. This section 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 chapter shall be enforced and additional requirements, as provided in this article shall be mandated.
- B. It shall be permissible to landscape the public right-of-way between the property line in 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 finding 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 is 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 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. These 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.

**14.16.08. 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 requirements 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.
  - 1. Zero (0) percent to thirty (30) percent grade requires vegetation and sod and/or ground cover.
  - 2. Thirty-one (31) percent to forty (40) percent grade requires vegetation with netting and ground cover either hydro seeded or in containers.
  - 3. Over forty (40) percent grade requires riprap with soil separating fabric.
  - 4. Where stratified rock formations exist at finished grade, vines may be used as ground cover.
  - 5. 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.
  - 6. 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. Shrubbery 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.

#### **14.16.09. 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 exits 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 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 chapter.

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 chapter, 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 chapter.

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

#### **14.16.10. 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 they 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 expenses 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 or public utility will be liable for any damage to 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 chapter. The Code Enforcement Officer must issue a certificate of compliance in the certificate of occupancy for any related structure.

#### **14.16.11. 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 this chapter, both on private property and the public right-of-way which exhibits evidence of insect pests, diseases 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 chapter, after having been given ten (10) days' notice in writing to do so, the owner is subject to penalties of fifteen (15) 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.

#### **14.16.12. 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 Planning Commission shall review all screening or landscape 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 chapter may result in the imposition of a fee sufficient to accomplish the provision with evergreen plantings.
  - 4. The City Engineer or Code Enforcement Department shall be responsible for determining noncompliance.
  - 5. Initial screening plantings are due before issuance of occupancy permits.

#### **14.16.13. Penalty**

Any person, firm, or corporation violating any of the provisions of this chapter shall be fined in any sum not exceeding fifteen (15) dollars, plus court costs, for each day said violation continues.

#### **14.16.14. Right to Appeal**

Any interested person aggrieved by a decision of any administration official of the City in administrating 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.

## **CHAPTER 14.17. DEFINITIONS**

Sections:

- 14.17.01 Purpose and Intent
- 14.17.02 Definitions of Terms

### **14.17.01 Purpose and Intent**

Words in the text or tables of this Code shall be interpreted in accordance with the provisions set forth in this Chapter. 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.

### **14.17.02. 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.

Accessory Dwelling Unit (ADU): A self-contained and independently accessed living unit that includes its own cooking, sleeping, and sanitation facilities, is intended for residential occupancy, and is located on the same parcel as a detached single-family dwelling of greater square footage.

Accessory Dwelling Unit, Attached: An accessory dwelling unit, as defined herein, which is attached to the principal single-family dwelling by means of at least a portion of a shared common wall or by a common roof with no greater than 10 feet of wall separation from the principal single-family dwelling. Entry to the ADU must be independent of the principal single-family dwelling.

Accessory Dwelling Unit, Detached: An accessory dwelling unit, as defined herein, which does not share a common wall or roof with and is separated by a minimum of 10 feet of yard space from the principal single-family dwelling.

Accessory Dwelling Unit, Internal: An accessory dwelling unit, as defined herein, which is wholly contained within the principal single-family dwelling, but still accessed independently of the principal single-family dwelling.

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.

Architectural Articulation: The process of varying a building's exterior walls for the purpose of reducing long, uninterrupted façade planes/blank walls.<sup>77</sup>

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

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<sup>77</sup> Amended by Ordinance 2520 – Adopted September 22, 2025.

Auto Repair Garage: A building designated and used for the maintenance, servicing, and repair of motor vehicles, including both minor and major mechanical overhauling, as their primary activity (motor fuel sales are listed under service stations).<sup>78</sup>

Bakery, Wholesale: An establishment in which there is permitted the production and/or wholesaling of baked goods, but where retail sale of baked goods is prohibited. Drive-through or pick-up windows are prohibited.<sup>79</sup>

Banner: A type of temporary sign on cloth, canvas, fabric, vinyl, or other flexible material which projects from or hangs from a building, pole, or wire. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.<sup>68</sup>

Bar: (also known as lounge, pub, saloon, or tavern) An establishment or part of an establishment primarily devoted to the selling of alcoholic beverages to be consumed on the premises and in which the service of food is only incidental to the consumption of such beverages.<sup>80</sup>

Basement: A story partly underground and having at least one-half (1/2) 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.

Beacon: A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar Agencies.<sup>68</sup>

Billboard: See "Sign, Billboard".<sup>68</sup>

Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.<sup>71</sup>

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 in common with another 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

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<sup>78</sup> Amended by Ordinance 1149 – Adopted February 28, 1994.

<sup>79</sup> Added by Ordinance 2502 – Adopted December 16th, 2024.

<sup>80</sup> Added by Ordinance 2502 – Adopted December 16th, 2024.

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 Code. 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 Official: That person or persons assigned the responsibility of enforcing the Arkansas Fire Prevention Code, as amended, in the City of Sherwood, and as prescribed by Ordinance 2057, as amended.

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.

Code Enforcement Officer: The person or persons designated by the Mayor of the City of Sherwood to have the authority to enforce city codes and issue citations for the enforcement of city codes. This person shall be differentiated from the Enforcement Officer as defined in this Code.<sup>68</sup>

Commercial Message or Speech: Any sign wording, logo, design, pictorial image, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, commercial product, accommodation, service, or other commercial activity.<sup>68</sup>

Commission: The Sherwood Planning Commission.

Common Usable Open Space: Open space areas within a development such as a Planned Unit Development which are designed and intended for landscaping, natural preservation, or recreational use by the residents or users of the development. Drainage structures and areas used for the aerial transmission of utilities are not considered common usable open space unless made suitable for recreational use.<sup>81</sup>

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 Section 14.02.10 of this Code.

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

Drive-through [window; operation]: A building opening through which occupants of motor vehicles may receive services/goods; an establishment developed to dispense services/goods to patrons who remain in motor vehicles. May also be identified by the terms 'drive-thru'.<sup>82</sup>

Driveway: A private access roadway which provides a lot, tract, structure, or set of structures with access to a shared private access, public street, private street, or highway.

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 or occupied by more than two families.

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<sup>81</sup> Added by Ordinance 2213 – Adopted on September 24, 2018.

<sup>82</sup> Added by Ordinance 2502 – Adopted December 16th, 2024.

Dwelling Single Family Detached: A dwelling designed for and occupied by not more than one family. A Dwelling, Single Family detached, shall not be constructed 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 constructed 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.

Electronic Message Center: A sign which uses artificial light to display changing electronically programmed messages.<sup>68</sup>

Enforcement Officer<sup>83</sup>: Any staff member of the Department of Planning, Permits & Inspections or any other City staff person specifically assigned responsibility for interpreting, reviewing, or approving any relevant portion of the Zoning Code or Zoning Districts Map.

Façade: Any exterior wall of a building.<sup>84</sup>

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 disabled or physically handicapped persons which may include two additional persons, acting as house partners or guardians who need not be related to each other, or to any of the mentally disabled or physically handicapped persons in the group.

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

Fire Apparatus Road: A road, whether public or private, from a building or development obtains access to a public right-of-way and which is at least twenty (20) feet in width.<sup>68</sup>

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or other entity. Flags are differentiated from feather flags and said signs in that flags are attached to a pole exceeding eight (8) feet in height.<sup>68</sup>

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.

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<sup>83</sup> Amended by Ordinance 2360 – Adopted on April 26, 2021.

<sup>84</sup> Amended by Ordinance 2520 – Adopted on September 22, 2025.

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

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

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

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

**Floor Area Ratio:** A mathematical ratio representing the gross floor area for all structures on a lot divided by the total lot area. The gross floor area shall include the calculated floor area for each story within a structure. For example, the gross floor area of a two-story structure with an eight hundred (800) square foot footprint shall be expressed as sixteen hundred (1600) square feet.<sup>85</sup>

**Frontage:** (SIGNS ONLY) the side of a lot, being a property line, along a public right-of-way or publicly accessible fire apparatus road on which it borders. Such frontages are measured and defined as extending from a property line or the intersections of public rights-of-way/publicly accessible fire apparatus roads to property line or the intersections of public rights-of-way/publicly accessible fire apparatus roads.<sup>68</sup>

**Garage Sale:** Yard sales, carport sales, porch sales, patio sales, estate sales and any other sales from a person's residence.<sup>68</sup>

**Garden Apartments:** Low rise apartments sited in gardens and/or lawns. There has been a high propensity in recent times to convert garden apartments to condominium ownership.

**Home Occupation**<sup>86</sup>: Any permitted non-residential use 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. An individual working remotely from their normal place of employment is not considered to be a home occupation, provided that such home-based employment is not contrary to the standards applied to a home occupation. Hobbies conducted solely within the confines of a structure with no external impacts, including noise levels not exceeding those associated with power shop tools, are not considered home occupations, even if occasional items are sold on the premises or transported away from the premises for sale.

**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 Sherwood 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.

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<sup>85</sup> Added by Ordinance 2213 – Adopted on September 24, 2018.

<sup>86</sup> Amended by Ordinance 2360 – Adopted on April 26, 2021.

**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 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.<sup>87</sup>

**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 patched 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 and 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 and twenty (720) square feet.

**Mansard Roof:** A sloped roof or roof-like façade architecturally comparable to a building wall.<sup>68</sup>

**Mobile Vendor:** Any person(s) or enterprise who operates or sells food or goods from a unit designed to be readily moveable, including, but not limited to mobile cart, stationary cart, pedal cart, trailer, van, or similar chassis, with or without an engine, or tent. Drive-through window operation is prohibited. Uses include, but are not limited to:<sup>88</sup>

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<sup>87</sup> Amended by Ordinance 934 – Adopted on July 23, 2017.

<sup>88</sup> Added by Ordinance 2502 – Adopted December 16th, 2024.

- Food or beverage vendor
- Craft/hobby/clothing vendor
- Fireworks vendor

Noncommercial message or speech: Constitutionally protected speech or messages that address topics of public concern or controversy such as, by way of example and not limitation: politics, religion, philosophy, science, art, or social commentary. This definition shall be construed in light of relevant court decisions.<sup>68</sup>

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

Open Storage: The utilization of outdoor space to store goods, equipment, vehicles, and other items used or sold by a business, whether temporarily or permanently.<sup>89</sup>

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 Chapter 14.12 of this Code.

Pipe Stem Lots: Pipe stem lots shall have a minimum lot width of twenty (20) feet at the street frontage. The building setback lines shall include a minimum width of sixty (60) feet for the front building line while the rear setback line shall be twenty-five (25) feet and the side yard setbacks shall be calculated as described by ordinance. Pipe stem lots with frontage less than sixty (60) feet at the street shall be responsible for access availability 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 requirements.<sup>90</sup>

Plan: A fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, structural elements and landscaping. A 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, and 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.

Pool Basin: The contents of a swimming pool structure determined by the location of the edges of the swimming pool and shall include any alcoves for stairs, tubs, etc.<sup>91</sup>

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

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<sup>89</sup> Amended by Ordinance 1513 – Adopted on January 22, 2001.

<sup>90</sup> Amended by Ordinance 1568 – Adopted January 28, 2002.

<sup>91</sup> Amended by Ordinance 2314 – Adopted August 24, 2020.

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 Building: The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.<sup>71</sup>

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 code reflecting a change or revision or modification of the zoning district boundary map.

Recreational Vehicle: Motorized dwellings, travel trailers, camper trailers, boats, boat trailers, recreational equipment trailers, utility trailers, and the like, whether used for recreational purposes or not.<sup>92</sup>

Regional Scale Development: A development situated on twenty-five (25) acres or more with multiple building lots that is marketed and functions as one (1) development under a common identity or name. Such developments are intended to serve a market including Sherwood and the surrounding areas.<sup>68</sup>

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

Restaurant, Dine-In: An establishment in which the principal use is the preparation and retail sale of food and beverages to be consumed while seated at tables or counters on the premises. Drive-through or pick-up windows are prohibited.<sup>93</sup>

Restaurant, Drive-through: An establishment in which the principal use is the preparation and retail sale of food and beverages [including retail bakeries] that may be consumed while seated at tables or counters on the premises, but also including facilities designed for receiving orders and serving food directly to occupants of motor vehicles for consumption off-premises or by patrons in parked motor vehicles. May also be identified by the terms 'drive-in' or 'drive-thru'.<sup>94</sup>

Restaurant, Pick-up Window: An establishment in which the principal use is the preparation and retail sale of food and beverages to be consumed either while seated at tables or counters on the premises or where patrons may pick-up orders for consumption off-premises. May also be identified by the terms 'carry out' or 'take away'. Drive-through window operation, where orders are placed is prohibited. Excludes mobile vendors.<sup>95</sup>

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.

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<sup>92</sup> Amended by Ordinance 1605 – Adopted March 24, 2003.

<sup>93</sup> Amended by Ordinance 2502 – Adopted December 16th, 2024.

<sup>94</sup> Amended by Ordinance 2502 – Adopted December 16th, 2024.

<sup>95</sup> Added by Ordinance 2502 – Adopted December 16th, 2024.

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. This use is limited to only those uses which have outdoor storage or display.<sup>96</sup>

Service Station: An establishment where vehicle fuel is sold and dispensed as a sole use or in conjunction with a retail and/or restaurant operation. Such establishments may include *Restaurant, Drive-through as an accessory use.*<sup>97</sup>

Sight Triangle, or Clear Sight Triangle: A measuring tool that can be applied to intersecting streets to identify an area that must be kept free of visual obstructions for the operator of a vehicle or a pedestrian to safely enter the intersection. The sight triangle may also be used to consider the impact of obstructions (fences, plantings, etc.) affecting driveways.<sup>98</sup>

Sign: A name, identification, description, display, or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to an object, product, place, activity, person, institution, organization, business, person, event, or location. Signs located completely within an enclosed building, and not exposed to view from a street, are not considered a sign.<sup>68</sup>

Sign, Abandoned: A sign located upon a building or lot/parcel that is not occupied and vacant for a period of more than ninety (90) consecutive days.<sup>68</sup>

Sign, Air-dancer: Large inflatable devices comprising a long tube attached to a fan which causes the tube to move in a dancing or flailing motion. Air dancers are generally called an inflatable tube or a moving figure, such as "windyman", "skydancer", "tube man", "wacky waving inflatable arm flailing tube man", and "fly guy". Variants of an air dancer may resemble humans with tube arms. Air dancers are generally about twenty feet (20') in total height and are often used in advertising and at personal events.<sup>68</sup>

Sign, Awning: A sign painted on, printed on, or attached flat against the surface of an awning in a permanent manner. Banners are attached to awnings are not defined as awning signs.<sup>68</sup>

Sign, Billboard: A permanent sign in a fixed location which meets any one or more of the following criteria:<sup>68</sup>

- A. It is used for the display of off-premise commercial messages;
- B. The message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, i.e., it is general advertising for hire;
- C. The sign is a principal use of the land, rather than appurtenant or accessory to some other principal use of the land;
- D. The sign is subject to rules and regulations concerning outdoor advertising which are promulgated as a result of Minute Order 72-6 of the Arkansas State Highway Commission, a subsequent amendment of those rules and regulations, or other state regulation governing outdoor advertising.

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<sup>96</sup> Amended by Ordinance 2413 – Adopted May 23, 2022.

<sup>97</sup> Amended by Ordinance 2502 – Adopted December 16th, 2024.

<sup>98</sup> Amended by Ordinance 2413 – Adopted May 23, 2022.

E. The sign has a sign area greater than four hundred (400) square feet in size.

Sign, Billboard – Digital: A billboard containing an Electronic Message Center.<sup>68</sup>

Sign, Balloon: A type of temporary sign that floats and is designed to resemble a balloon, blimp, dirigible, hot air device or other flying object tethered to the ground.

Sign, Canopy: A sign affixed or applied to under or to the exterior facing surface or surfaces of a building canopy or freestanding canopy. Banners attached to canopies are not defined as canopy signs.<sup>68</sup>

Sign, Feather: See “Sign, Sail”.<sup>68</sup>

Sign, Flashing: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.<sup>68</sup>

Sign, Freestanding: A sign supported permanently upon the ground by poles, braces, base, or similar support structure and not attached to any building. This sign type is inclusive of other sign types meeting this definition.<sup>68</sup>

Sign, General Temporary: A type of temporary sign for a permit is required and allowed solely for nonresidential issues.<sup>68</sup>

Sign, Government: Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.<sup>68</sup>

Sign, Illuminated: A sign designed to give forth any artificial light or reflect such light from an artificial source.<sup>68</sup>

Sign, Incidental: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.<sup>68</sup>

Sign, Monument: A freestanding sign mounted directly to the ground supported by a structural base separate from the sign cabinet and with no poles visible between the sign and the ground.<sup>68</sup>

Sign, Nonconforming: A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations. Or a sign which does not conform to the sign code requirements, but for which a variance or similar approval has been issued.<sup>68</sup>

Sign, Off-premise: A message or sign advertising commercial products, accommodations, services, or activities not provided in or on the property or premises upon which the sign or message is located. This definition does not include noncommercial messages.<sup>68</sup>

Sign, On-premise: A message or sign that advertises the commercial business, establishment, accommodation, services, or activities provided on the premises on which the sign is located, or is expected to be provided in the near future. In the case of developments subject to an alternative signage plan or which are designated as a regional scale development, all establishments subject to the plan or in the development are considered on-premise when located inside the development or area of the approved plan. This definition does not include noncommercial messages.<sup>68</sup>

Sign, Pole: A sign that is mounted on a freestanding pole or other similar support structure.<sup>68</sup>

Sign, Projecting: A sign which projects from and is supported by a wall of a building and does not extend beyond, into, or over the street right-of-way, but not a wall sign.<sup>68</sup>

Sign, Roof: A sign which is attached to a roof or to a structure located on a roof, excluding those attached to a mansard roof which is considered a wall.<sup>68</sup>

Sign, Sail: A sign composed of a piece of cloth, varying in size, shape, color, and design, attached at one edge to a staff or cord for the entire vertical length of the cloth, and used as a means of conveying a message.<sup>68</sup>

Sign, Tack: Any temporary sign affixed by staples, tape, or other attachment device to a utility pole.

Sign, Temporary: A sign not constructed or intended for long-term use, or which is portable is considered a temporary sign. This definition includes any sign not permanently embedded in the ground, or permanently affixed to a building or sign structure that is permanently embedded in the ground. This includes banners, etc.<sup>68</sup>

Sign, Wall: A sign attached essentially parallel to an extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard roof. This definition shall not include freestanding walls or fences.<sup>68</sup>

Sign, Window: A sign applied directly onto a window. Window signs include without limitation the application of words and logos onto window glass, the use of hanging signs and paper signs.<sup>68</sup>

Site Plan Review: The process whereby the Planning Commission reviews the site plans and maps of a developer to assure that they meet the stated purposes and standards of Section 14.02.11 of this Code.

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

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

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

Structure: Anything constructed or erected or installed by man, the use of which requires more or less permanent 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.

Swimming Pool: Any structure intended for swimming, recreational bathing or wading that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas and fixed-in-place wading pools.<sup>99</sup>

Swimming Pool, Residential: For the purposes of this Zoning Code, applies to swimming pools intended for use which is accessory to a detached one or two-family dwelling, triplex unit, fourplex unit, or manufactured home, and available only to a single household and its guests. All other swimming pools shall be considered public pools.<sup>100</sup>

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

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<sup>99</sup> Amended by Ordinance 2314 – Adopted August 24, 2020.

<sup>100</sup> Amended by Ordinance 2314 – Adopted August 24, 2020.

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 designs 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.

Vending Machine: Any self-service machine or structure that dispenses any goods or commodities that may be bought or sold.<sup>101</sup>

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

Yard, Front: The required area of open space extending across the full width of the lot, the 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 courthouse): Single family detached dwellings that are sited on a small single-family lot, with one side yard, and which utilize 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 the City designated in the Zoning Code 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.

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<sup>101</sup> Amended by Ordinance 1841 – Adopted September 28, 2009.

## Chapter 14.18 SCHEDULE OF USES

SCHEDULE OF USES																
	OPEN SPACE	SINGLE FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MANUFACTURED HOUSING	MOBILE HOME PARK	NEIGHBORHOOD COMMERCIAL	SHOPPING CENTER	COMMUNITY SHOPPING	GENERAL COMMERCIAL	HIGHWAY & OPEN SPACE DISPLAY	SPECIAL PURPOSE OFFICE	GENERAL 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		
X = Permitted in District																
A = Accessory Use																
T = Temporary Use																
C = Conditional Use																
Blank = Use not permitted in District																
Accessory Dwelling Unit see 14.10.16.		A	A		A	A										
Agricultural Processing (hulling, milling or grinding) [0723]															C	7
Amusement, commercial inside [7832, 7911, 7922, 7929, 7991, 7993, 7999]									C	X	X	X	X			4
Amusement, commercial outside [7833, 7941, 7948, 7992, 7996, 7997, 7999]								C		C	X					4
Animal hospitals or Clinics and Veterinarians Offices, including boarding of animals & incidental care such as bathing and trimming [0742, 0752]												C				5
Antique Shop [5932]								X	X	X	X					6
Appliance Repair [7629]							C	X	X	X						6
Automobile Glass or Muffler Shop [7533, 7536]								X		X	X					6
Automobile Parts & Accessories/Tractor Parts & Equipment [5531, 5083]										X	X					6
Automobile Body & Fender Repair [7532]											X					6
Auto Repair, Overhauling, Rebuilding & Painting [7532, 7538]										C	X					6
Automobile (new and used) Sales & Service [5511]											X					6
Automobile, Truck & Farm Equipment Sales & Repair Services [7538, 7538]											X			X		6
Automobile Washing, including use of mechanical conveyors, blowers & steam cleaning [7542]											X					7
Bakery, Wholesale								C		X	X					8
Bakery, Retail see Restaurant, Drive-through																6
Bank or Savings & Loan [Group 60 & 61]							X	X	X	X	X	C	C			5
Barber and/or Beauty Shop [7231, 7241]							X	X	X	X	X		A			6
Bar, Lounge or Tavern										X	X		A			6
Beverage Store [5921]									X	X	X					6
Bicycle Shops [5941]							C	C	X	X	X					6

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	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		
Blacksmith Shops [7699]															X	7
Boat Sales & Service [5551]												X				6
Boat Sales & Service (no outside storage) [5551]									C			X	X			6
Boatworks (custom building & repairing) [9732] <sup>102</sup>												C			X	7
Book Binding [2789]												X	X			6
Book & Stationery Store [5942, 5943]									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		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 & other Religious Institutions and their Accessory Buildings & Uses [8661]		C	C	C	C	X	X	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	X									1
Class B Manufactured House [2451]							X									2

<sup>102</sup> Amended by Ordinance 1127 – Adopted October 25, 1993.

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	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		
Cleaning, Pressing, Laundering & Dying [7216]															X	6
Clothing Store [5611, 5621]								X	X	X	X					6
Cold Storage Plants [4222]												X			X	7
Communication Equipment Sales & Service [5999]									X	X	X				X	6
Communication Towers (35' to 100' height ) <sup>103</sup>										C	X				X	
Community Welfare or Health Center [809, 9431]								X	X	X	X				X	5
Concessionary Businesses (excluding fireworks)								T		T	T					N/A
Contractors' Offices with Equipment Storage Yards [Groups 15, 16, 17]											X				X	7
Contractors' Offices (executive offices only)							C		C	C	X	X				5
Country clubs, golf clubs, 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 member, and not as a business for profit [7997]	C	C	C	C	C											4
Custom Sewing and Millinery [5699]								X	X	X	X					6
Dairy Products Plant [Group 202]											X				X	7
Day Nursery or Day Care Center [8351]			C	C	C		X	X	X	X	X			C		4
Doctors' Office (licensed practitioner) [Group 801, 802, 803, 804]							X	X	X	X	X	X	X	X		5
Dog Grooming <sup>104</sup>								X	X	X	X					
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] <sup>105</sup>		C	C	C	C		X	X	X	X		X	X			2

<sup>103</sup> Amended by Ordinance 1396 – Adopted June 22, 1998.

<sup>104</sup> Amended by Ordinance 1680 – Adopted September 26, 2005.

<sup>105</sup> Amended by Ordinance 1717 – Adopted October 23, 2006.

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	OPEN SPACE	SINGLE FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MANUFACTURED HOUSING	MOBILE HOME PARK	NEIGHBORHOOD COMMERCIAL	SHOPPING CENTER	COMMUNITY SHOPPING	GENERAL COMMERCIAL	HIGHWAY & OPEN SPACE DISPLAY	SPECIAL PURPOSE OFFICE	GENERAL 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	
Electrical Distribution Substations [4911]										C	C				N/A
Electrical Repair Shops [7629]										X	X				6
Elevated Pressure Tanks (Municipal water supply) [4941]										C	C			C	N/A
Establishment for the Care of Alcoholic, Narcotic or Psychiatric Patients [8093]										X	X		X		5
Exterminators of Pests from Homes and Business [7342]										X	X			X	6
Feed and Seed Stores [5261, 5399]										C	X				6
Fire Sales [5999]										X	X				6
Fireworks [5999]										T	T	T			
Flea Market (Outdoor) <sup>106</sup>												X			X
Florist Shop [5992]									X	X	X	X	A		6
Flower and Vegetable Gardens		A	A												
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] <sup>107</sup>							X	X		X	X				
Furniture Cleaning & Refurbishing Plants [7641]														X	7
Furniture Repair Store [7641]							C	C	X	X	X				6
Furniture Store [571, 5932]							C	X	X	X	X				6

<sup>106</sup> Amended by Ordinance 1119 – Adopted September 9, 2017.

<sup>107</sup> Amended by Ordinance 1222 – Adopted September 27, 1993.

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	OPEN SPACE	SINGLE FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MANUFACTURED HOUSING	MOBILE HOME PARK	NEIGHBORHOOD COMMERCIAL	SHOPPING CENTER	COMMUNITY SHOPPING	GENERAL COMMERCIAL	HIGHWAY & OPEN SPACE DISPLAY	SPECIAL PURPOSE OFFICE	GENERAL 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	
Furniture Warehouse and Van Services [4213, 4214]											X			X	7
Garage, Carport or Yard Sales [5999]		T	T		T	T									N/A
Gas Regulator Stations [Group 492]										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
Heating & Ventilating or Air Conditioning Shops, including Sheet Metal Fabrication [1711]										C	C			X	7
Hobby Shop [5945]							X	X	X	X	X				6
Home Center [5211, 5231, 5251, 5261, 5713, 5719]									X	X	X				6
Home Occupations (see Section 14.10.05)	A	A	A	A											N/A
Hospitals and Related Services [8062, 8069, 807-809]								X	X	X	X		X		4
Hotel and Motel [7011] <sup>108</sup>											X	X	C		2
Household & Office Equipment/Machinery Repair Shop [762-764, 769]										X	X	X			6
Ice Storage and Sales Houses (retail and/or wholesale) [5199, 5999]										X	X	X			7
Industrial Uses not listed (must comply with purpose and intent of I-1 District)													C		7
Insurance and Real Estate Office [6611]							X	X	X	X	X	X	X		6
Jewelry Store [5944]							X	X	X	X	X		A		6
Key Shop [7699]							X	X	X	X	X				6

<sup>108</sup> Amended by Ordinance 1572 – Adopted February 25, 2002.

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	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		
Kennels (Indoor Boarding of Pets) [0752] <sup>109</sup>										X	X				7	
Kennels (Outdoors) <sup>8</sup>										C	C					
Laboratories [807]										C	C				7	
Laundromat/Dry Cleaners [7215]									X	X	X	X			6	
Laundries, Cleaning, Dying [7216]												X		X	6	
Lawn Mower Sales & Service [5261, 7699]										X	X	X			6	
Library, Art Gallery, Museum, or similar display use [8231, 8411] <sup>110</sup>									X	X	X	C	X		2	
Linen Supply Service [7213]											X	X			X	6
Locksmith [7699]										X	X	X				6
Lodge or Fraternal Organization [7041]									X	X	X	X				3
Lumber Yards, not including Planing Mills or Sawmills, Bulk Sand, Gravel or Cement Batching Plant [5211]												X		X	6	
Machine Shop [7699]												C		X	6	
Machine or Welding Shop [7692, 7699]												C		X	6	
Machinery Sales and Rentals [7353, 7359]												X		X	6	
Manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, food stuffs and products not otherwise restricted by law or regulation [Groups 20-39]) <sup>111</sup>												C		C	7	
Manufactured Home (Class A)						X	X								1	
Manufactured Home (Class B)							X								2	
Manufactured Home Sales and Service [5271]												X		X	6	

<sup>109</sup> Amended by Ordinance 2076 – August 24, 2015.

<sup>110</sup> Amended by Ordinance 1637 – Adopted July 26, 2004.

<sup>111</sup> Amended by Ordinance 1679 – September 26, 2005.

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	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	
Medical Appliance Fittings and Sales [5047, 7352]							X	X	X	X	X				6
Medical Supply and Refinishing Shops [5719, 7699]										C				X	6
Mini-Storage <sup>112</sup>															X
Model Homes and/or Subdivision Sales Office [6552]		T													6
Monument Works [5999]														X	6
Mortuaries [7261]												X	X		6
Motorcycle Sales and Service [5571]										C	X				6
Multi-Family Residential				X										C	2
Municipal or governmental recreation use, including parks, playgrounds, tennis courts, golf courses, community centers, fire stations, museums, libraries and other similar uses [7992, 7997, 8412, 8422, 9224]		C	C	C	C		C	C		C	C	C	C	C	2
Municipally owned public works buildings and facilities when necessary for serving the City <sup>113</sup>		C													
Musical instrument sales and service [5736, 7699]									X	X	X				6
Nurseries and Garden Supply Stores [5261]									C	C	X	X			6
Nursing Homes [Group 805] <sup>114</sup>		C	C	X	X		C		C	C	C		C		4
Office (general and professional)							C	C	C	C		X	X		5
Office Equipment Sales and Service [5734, 5999]							X	X	X	X	X				6
Optical Shop [5995]							X	X	X	X	X		A		6
Ornamental Iron Workshops [3446]														X	7
Paint and Wallpaper Store [5261]							X	X	X	X	X				6
Packing and Crating Service [7389]									X	X	X	X		X	6

<sup>112</sup> Amended by Ordinance 2413. Adopted on May 23, 2022.

<sup>113</sup> Amended by Ordinance 2257 – Adopted July 22, 2019.

<sup>114</sup> Amended by Ordinance 2025 – April 28, 2014 superseding Ordinance 1703 – May 22, 2006.

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	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	
Parking, Commercial Lot or Garage [Group 7521]									X	X	X		C		N/A
Parcel Delivery Service [4215]										C	X			X	6
Pawn Shop [5932]									X	X	X				6
Pet Shop/Grooming [5999]							C		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 <sup>115</sup>										C	X				
Plumbing and Sheet Metal Shops [1711, 5074]										C	C			X	6
Plumbing, Electrical, Air-conditioning or Heating Sales [Group 507]								X		X	X				6
Printing, Lithographing and Engraving [Group 275]										X	X			X	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 (municipal) and Grounds [Group 91-96] <sup>116</sup>		C	C	C	C					C	C	C	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 no public business office and no repair or storage facility are maintained therein [Group 49]		C	C	C	C										N/A
Public Utility Yards [Group 49]											X			X	7
Radio and Television Repair Shops [7622]								X	X	X	X	X			6
Recreational Vehicles, Camping Trailers, Boats [5551]											X				N/A

<sup>115</sup> Amended by Ordinance 1213 – Adopted February 27, 1995.

<sup>116</sup> Amended by Ordinance 1017 – Adopted November 25, 1991.

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	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	
Recycling Facility [5093]														C	7
Recycling Pick-up Station (Aluminum) [5093]										C	C	X			6
Refrigeration Equipment Sales and Service [5722]												X	X		6
Residential Care [8361]					C										2
Restaurant, Dine-In <sup>117</sup>								X	X	X	X	X		X	4
Restaurants, Drive-through <sup>118</sup>								C	X	X	X				4
Restaurants, Pick-up Window <sup>119</sup>								C	X	X	X		X		4
Retail Uses no 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 (Business, Professional, 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 <sup>120</sup>														X	N/A
Service Station [5541] <sup>121</sup>										C	X				6
Sexually Oriented Business <sup>122</sup>											X				
Shoe Repair [7251]								X	X	X	X	X			6
Sign Painting Shops [7389]											X			X	6

<sup>117</sup> Amended by Ordinance 2502 – Adopted December 16th, 2024.

<sup>118</sup> Amended by Ordinance 2502 – Adopted December 16th, 2024.

<sup>119</sup> Amended by Ordinance 2502 – Adopted December 16th, 2024.

<sup>120</sup> Amended by Ordinance 2413. Adopted on May 23, 2022.

<sup>121</sup> Amended by Ordinance 2458 - Adopted August 28, 2023.

<sup>122</sup> Per Ordinance 1415, Adopted December 21, 1998, as Amended by Ordinance 1536, Adopted June 25, 2001.

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	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		
Single Family Residential		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	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				6
Tailor [5699]								X	X	X	X	X				6
Taxicab Companies <sup>123</sup>												X	X			
Taxicab Service (storage, maintenance & repair) <sup>124</sup>												X			X	
Taxidermists [7699]												X	X			6
Theater (drive-in) [7832]												X				4
Theater (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
Tool or Cutlery Sharpening or Grinding [7699]										C	C				X	6
Tool and Equipment Rental (inside display only) [735]								X	X	X	X	X				6
Tool and Equipment Rental (outside display only) [735] <sup>125</sup>										C	X				X	6

<sup>123</sup> Amended by Ordinance 1029 – Adopted January 27, 1992.

<sup>124</sup> Amended by Ordinance 1029 – Adopted January 27, 1992.

<sup>125</sup> Amended by Ordinance 1165 – Adopted May 23, 1994.

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	OPEN SPACE	SINGLE FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MANUFACTURED HOUSING	MOBILE HOME PARK	NEIGHBORHOOD COMMERCIAL	SHOPPING CENTER	COMMUNITY SHOPPING	GENERAL COMMERCIAL	HIGHWAY & OPEN SPACE DISPLAY	SPECIAL PURPOSE OFFICE	GENERAL 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		
Townhouse			X												2	
Trade Shops (including cabinet, carpentry, planing, plumbing)														X	6	
Trailer Sales and Service and Rental [5271, 5561]												X			6	
Training Facilities (Indoor) <sup>126</sup>												X	X			
Training Facilities (Outdoor) <sup>5</sup>												C	X			
Travel Bureau [4724]									X	X	X	X	C	C	6	
Triplex			X												2	
Trucking Terminals [4231]												X		X	7	
Typewriter and/or Calculator Repair Shops [7699]									X	X	X	X			6	
Upholstery Shop [5714, 7532]									C	C	X	X		X	6	
Used Car, Truck and Van Sales [5511]												X			6	
Vehicle Rental <sup>127</sup>												C	X			
Veterinary Offices (fully enclosed runs, yards, pens and kennels) [0742]									C	X	X	X			X	5
Warehouses, including mini-warehouses except for the storage of fuel or other flammable liquids and explosives [4225]															X	7
Warehouses, Other [4221, 4222, 4226]															X	7
Water Tanks (Municipal) <sup>128</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Wholesale Establishments (Inside display only) [Group 50, 51] <sup>129</sup>									X		C	X			X	8
Wholesale Establishments (With outside display) [Group 50, 51] <sup>15</sup>												X				

<sup>126</sup> Amended by Ordinance 2145 - April 24<sup>th</sup>, 2017.

<sup>127</sup> Shall include Truck Rental and Leasing, without drivers, Passenger Car Rental, without drivers, Utility Trailer and Recreational Vehicle Rental. Amended by Ordinance 2108. April 25, 2016 and by Ordinance 2102, March 28, 2016.

<sup>128</sup> Amended by Ordinance 1939 – June 25, 2012.

<sup>129</sup> Amended by Ordinance 1982 – March 25, 2013.

## SCHEDULE OF USES

X = Permitted in District

A = Accessory Use

T = Temporary Use

C = Conditional Use

Blank = Use not permitted in District

OPEN SPACE	SINGLE FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MANUFACTURED HOUSING	MOBILE HOME PARK	NEIGHBORHOOD COMMERCIAL	SHOPPING CENTER	COMMUNITY SHOPPING	GENERAL COMMERCIAL	HIGHWAY & OPEN SPACE DISPLAY	SPECIAL PURPOSE OFFICE	GENERAL 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	2
Zero Lot Line Residential <sup>130</sup>	C	X	X											

<sup>130</sup> Amended by Ordinance 1704 – May 22, 2006.

