### Table of Contents

#### CHAPTER 14.01. PURPOSE, AUTHORITY AND JURISDICTION ......................................................... 2
14.01.01. Title .................................................................................................................. 2
14.01.02. Purpose ............................................................................................................ 2
14.01.03. Authority ........................................................................................................ 2
14.01.04. Jurisdiction ..................................................................................................... 2
14.01.05. Validity ............................................................................................................ 2

#### CHAPTER 14.02. GENERAL PROVISIONS ............................................................................ 3
14.02.01. Interpretations ............................................................................................... 3
14.02.02. Establishment of Zoning Districts ................................................................. 4
14.02.03. Zoning Districts Map .................................................................................. 4
14.02.04. Zoning District Boundaries ....................................................................... 4
14.02.05. Interpretation of Zoning District Boundaries ........................................... 5
14.02.06. Zoning of Newly Annexed Areas ............................................................... 5
14.02.07. Existing Lots of Record ............................................................................... 5
14.02.08. Height Exceptions ....................................................................................... 6
14.02.09. Amendments .............................................................................................. 7
14.02.10. Conditional Use Permits ............................................................................ 8
14.02.11. Site Plan Review .......................................................................................... 11

#### CHAPTER 14.03. OPEN SPACE DISTRICTS ..................................................................... 16
14.03.01. Purpose and Intent ....................................................................................... 16
14.03.02. Preservation of Open Space ....................................................................... 16
14.03.03. Development Criteria ................................................................................. 17
14.03.04. Conditional Uses ......................................................................................... 17
14.03.05. Area ............................................................................................................. 17

#### CHAPTER 14.04. RESIDENTIAL ZONING DISTRICTS .................................................... 18
14.04.01. Single Family Residential District (R-1) ...................................................... 18
14.04.02. Multi-Family Residential Districts (R-2) .................................................... 20
14.04.03. Multi-Family Residential (R-3) .................................................................. 22
14.04.04. R-4 Manufactured Housing Districts ("Class A") ....................................... 23
14.04.05. MHP Manufactured Home Park District .................................................... 25

#### CHAPTER 14.05. COMMERCIAL ZONING DISTRICTS .................................................. 28
14.05.01. General Information ................................................................................... 28
14.05.02. General Commercial Zoning District Restrictions .................................... 28
14.05.03. Neighborhood Commercial District (C-1) .............................................. 29
14.05.04. Light Commercial District (C-2) ............................................................. 31
14.05.05. Shopping Center District (C-SC) ............................................................ 32
14.05.06. General Commercial District (C-3) ........................................................ 34
14.05.07. Highway Commercial and Open Display District (C-4) ............................ 35

#### CHAPTER 14.06. OFFICE DISTRICTS ............................................................................ 37
14.06.01. General Statement of Purpose .................................................................. 37
14.06.02. District Subdivisions ................................................................................... 37
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
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 District Boundaries
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, corporation, associations and any other similar entities.

9. The words "parcel" and "tract" are synonymous and may be used interchangeably.

10. The word "City" means the 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 open and 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 Districts
11. C-4 - Highway Commercial and Open Display District
12. O-1 - Special Purpose Office Districts
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, and 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

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 extend 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 feet (35'). If the net buildable width of the lot falls below thirty-five feet, then the side yard requirements may be reduced so that:

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

Amended by Ordinance 2253 – Adopted June 24, 2019
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 feet (50'). If the front and rear yard requirements do reduce the net buildable depth below fifty feet (50'), then front and rear yard requirements may be reduced so that:

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

D. **Front Yard Exceptions**

In any zoning district where thirty-five percent (35%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with the buildings whose frontal yards do not vary more than ten feet (10') 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 measured 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 feet (4').
2. Fire escapes may project a distance not exceeding four and one-half feet (4.5').
3. Uncovered stairway and landings may project a distance not exceeding three feet (3').
4. Bay windows, balconies, and chimneys may project a distance not exceeding two feet (2'), and in aggregate not to exceed one-third (1/3) the length of the building wall on which they are located.

G. **Fences, Walls, or Hedges**

Any fences or screens constructed must not extend beyond the front building line on any lot nor beyond the side building line on corner lots. Any deviation from these requirements shall require Planning Commission approval as to location, height, material and construction.²

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² Amended by Ordinance 797 - Adopted by September 28, 1987; Second sentence Amended by Ordinance 2253 – Adopted by June 24, 2019.

³ Amended by Ordinance 2253 – Adopted by June 24, 2019.
14.02.09. Amendments

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

A. Application for Amendment

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

B. Procedure for Amendment

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

1. The Planning Commission shall hold a public hearing on the proposed amendment not less than fifteen (15) days after notice of such hearing has been published in a newspaper of general circulation in Sherwood. The notice shall give the time and place of the hearing and a description of the proposed change. The applicant shall inform all owners of land, by certified letter and first class letter, names to be taken from a bonded abstract company, which lie within three hundred feet (300') of the land for which the zoning change is requested, of the time, date, and place of the public hearing and the proposed change in zoning designation. All certified mail receipts and a copy of the letter shall be furnished to the Secretary of the Planning Commission at least five (5) days prior to the public hearing.

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2. The applicant shall procure signs from the Planning Department, City of Sherwood, for the purpose of posting the property proposed for a change in zoning.
   a. The signs will be displayed on the property on a post or other suitable standard not less than fifteen (15) days prior to the date of the public hearing.
   b. The sign shall be displayed to be prominent and in full view of the passing motorist and pedestrians.
   c. The signs shall be posted along the frontage abutting any street at an interval of one hundred feet (100').
   d. Properties with less than two hundred feet (200') street frontage shall be posted with at least one (1) sign along the frontage abutting each street.
   e. All such signs posted shall be maintained by the applicant to remain visible and readable until the conclusion of the subject public hearing, or to the conclusion of the City Council meeting if an appeal over the Planning Commission decision concerning the change is made by the applicant. Subject signs shall be removed from the property by the applicant within five (5) days of the concluding action.
   f. Failure to post the required signs or to maintain the signs resulting in the property not being properly posted for three (3) days out of the required time may result in a postponement of the

4 Amended by Ordinance 2181- December 18, 2017
public hearing or City Council agenda item until such time full compliance with posting procedure is achieved.

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

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

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

6. If the Planning Commission disapproves the proposed amendment, the proponent may appeal to the City Council, which shall review the action and may approve the proposed amendment only by not less than three fourths (3/4) vote of all the members. Such appeal shall be made via the City Clerk, who shall transmit one (1) copy to the Planning Commission, which will prepare and transmit a report to the City Council, stating why the proposed amendment was disapproved.

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

C. Fee

The application fee for an amendment to this Code shall be one hundred fifty dollars ($150.00) for each piece of property submitted in the application, none of which is refundable.5

D. Resubmission of Application

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

14.02.10. Conditional Use Permits

A. Conditional Use Review

1. General Purpose

The purpose of this section is to set forth procedures for processing conditional uses and to establish standards by which conditional uses can be evaluated. The Planning Commission shall hear and recommend, in accordance with provisions of this Code, each individual request for conditional use permits. Only the respective zoning classifications may be requested for conditional use authorization. After detailed review of its compatibility with the area and the specific treatment of screening, landscaping and other amenities provided to protect the integrity of the neighborhood, the Planning Commission shall forward its recommendation to the City Council for final action.

2. Application Procedure

Application for conditional use approval shall be made by the property owner or authorized agent for the owner. Said application may accompany a rezoning request or may be applied for by itself as long as the use is recognized as a conditional use in the existing zoning classification. The application shall be submitted to the Permits and Planning Office, which will collect the one hundred fifty

5 Amended by Ordinance 972 – Adopted April 21, 1991
dollars ($150.00) filing fee and process all applicable surveys, site plans and other supporting information pertinent to this review process.

3. Submission Requirements

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

4. Planning Commission and City Council Review and Action

a. The Planning Commission shall review conditional use applications at its regularly scheduled monthly meeting, at which time interested persons may appear and offer information in support of or against the proposed conditional use. The Planning Commission shall then make one of the following recommendations to the City Council: approve the conditional use as submitted; approve the conditional use with modifications; defer the conditional use or deny the conditional use.

b. The City Council may impose conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to reduce or minimize the injurious effects of the conditional use. The conditional use must insure compatibility with the surrounding property to better carry out the general intent of this Code.

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

B. Uses Exclusively Conditional

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

1. Utility storage yard
2. Utility substation
3. Water/sewage treatment plant or related ancillary facilities
4. Communication towers on property owned by the City of Sherwood\(^6\)
   a. Only one tower per platted lot which has been approved by the Planning Commission is allowed
   b. Communication Towers shall be at least one thousand feet (1,000') apart
   c. A variance on the one hundred foot (100') height may be allowed only if there is an agreement in which at least two carriers are to be located on the same monopole tower. Said agreement must be approved by the appropriate authority.
   d. Communications towers shall be at least one hundred feet (100') from any public road

\(^6\) Amended by Ordinance 1391, 1396 – Adopted May 26, 1998
e. All communication towers shall be constructed as a monopole tower, unless the Planning Commission approves any exception.⁷

5. Municipally owned public works facility. Area requirements shall adhere to the same requirements found in Section 14.07.02.B. herein.⁸

C. Development Standards and Review Guidelines

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

1. The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.

2. The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.

3. The proposed use is within the provision of "conditional uses" as set out in this Code.

4. The proposed use conforms to all applicable provisions of this Code for the district in which it is to be located, and the use facilities public convenience at that location.

5. The size and shape of the site, including the size, shape, and arrangement of proposed structures is in keeping with the intent of the Code.

6. The internal street system, ingress and egress, proposed off-street parking, loading and pedestrian ways are sufficiently adequate.

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

8. Proposed landscaping and screening is in accordance with the judgment of the Planning Commission and City Council.

9. Open space screening and fencing will be maintained by owner/developer.

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

D. Conditions

Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within sixty (60) days. If the sixty (60) day period has elapsed with no discernible progress on implementing the conditional use, or, if the conditional use is abandoned, the conditional use shall immediately cease to exist. If the conditional use ceases, all land use requirements of the underlying zoning district shall apply. Conditional uses previously granted that have ceased to exist or whose inactivity has exceeded the sixty (60) day period must submit a new conditional use permit application.⁹ No conditional use authorized by the Planning Commission or City Council shall be

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⁷ Amended by Ordinance 2253 – Adopted by June 24, 2019.
⁸ Amended by Ordinance 2257 – Adopted July 22, 2019.
⁹ Amended by Ordinance 2257 – Adopted July 22, 2019.
subsequently submitted to the Board of Adjustment for variances. Amendments or changes to a conditional use authorization must follow the same process as the original conditional use. No building permit shall be issued except in conformance with the provisions of this section.

E. Right of Appeal

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

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, sitting 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: 10

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. "0-1" - Special Purpose Office
9. "0-2" - General Office
10. “I-1” – Light Industry
12. Non-conforming Use, which includes changes, expansions, etc.

10 Amended by Ordinance 1610 – Adopted April 28, 2003
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 standards and criteria provided herein. Public hearing of a site plan proposal shall take place at regularly scheduled monthly meetings at which time interested persons may appear and offer information in support of or against the proposed site plan. The Planning Commission at said public hearing will then take one of the following steps: approve the site plan as submitted; approve the site plan with modifications; defer the site plan for future review; or deny the site plan.

3. In addition to the special requirements of this section, the Planning Commission may impose on a site plan such additional requirements as are necessary to safeguard the public health, safety and general welfare. The Planning Commission may require the applicant to submit a revised site plan incorporating the imposed requirements and modifications. Such revised site plans shall have priority over new applications in the review process. The Planning Commission may deny a site plan and recommend reducing the zoning classification on any parcel which is required a site plan if it does not carry out the general purpose of this section.

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

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

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11 All of Subsection C. amended by Ordinance 2196 – Adopted March 26, 2018
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 including the following:

1) Graphic scale
2) Proposed lot lines
3) Existing and proposed vehicular and pedestrian circulation systems including streets, alleys, walkways, service areas and loading areas, the location and arrangement of off-street parking areas and all points of vehicular ingress and egress.
4) Proposed perimeter treatment of the property, indicating screening materials to be used including fences, walls and plant materials together with a description of uses, setbacks and their proposed 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 including 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 as may be necessary for 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 rights-of-way.

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

6. The proposed site plan does not conform to the minimum drainage requirements found in the Subdivision 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 percent (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.
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 comprise 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-premise 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 feet (50') 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 course, swimming pool, tennis courts or other private recreational uses usually associated with or incidental to a social country club operated for, mutual recreation for the members and not as a business for profit.

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 Residence District is intended for those existing developed areas of the City which are being used for single family residence and related religious, recreational, and educational facilities normally found in a well-balanced residential area, and for those undeveloped areas of the city which seem appropriate for future development for single family residence purposes, indicated as SFD on the Sherwood Land Use Plan. Single family manufactured homes and mobile homes as defined in this 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.12

C. Accessory Buildings and Uses 13

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 shed or building 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 personnel 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.

12 Amended by Ordinance 2256 – Adopted July 22, 2019
13 Amended by Ordinance 1941 – Adopted June 25, 2012
3. **Temporary Uses**

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

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 or 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 therein.

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 club, golf course, swimming pool, or other private recreational uses usually associated with or incidental to a social country club or subdivision for the members, and not as a business for profit.

6. Zero lot line houses.\(^{14}\)

7. Municipally owned public works buildings and facilities when necessary for serving the city.\(^{15}\)

E. **Height**

The principal structure shall be a maximum height of forty feet (40’); however, all other structures of man-made objects, except accessory buildings, shall not exceed a height of thirty-five feet (35’).\(^ {16}\)

\(^{14}\) Amended by Ordinance 1704 - Adopted May 22, 2006.

\(^{15}\) Amended by Ordinance 2257 – Adopted July 22, 2019.

\(^{16}\) Amended by Ordinance 1353 - Adopted August 25, 1997
F. **Yard Standards**

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

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.

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 feet (60') 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 percent (45%) of the total area of the lot.¹

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.¹

I. **Off-Street Parking**

See Chapter 14.10

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14.04.02. **Multi-Family Residential Districts (R-2)** ¹⁸

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 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

¹⁷ Amended by Ordinance 2166 – Adopted October 23, 2017
¹⁸ Amended by Ordinance 1439 – Adopted May 24, 1999
3. Structures 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.

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.19

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 (35) feet or be more than two and one half (2 ½) stories.20

F. Yard Standards

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

2. Side Yard

   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 percent (10%) of the average lot width up to a maximum of eight feet (8') for interior lots. Corner lots shall have a side yard on the exterior or street side of not less than twenty-five feet (25').

   b. Structures utilizing zero-lot line development shall have one (1) interior side yard per dwelling unit of a minimum width of ten feet (10'). End or exterior side yards shall be a minimum of twenty-five feet (25').

   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.

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.

19 Amended by Ordinance 1768 – Adopted January 28, 2008.
20 Amended by Ordinance 1353 – Adopted August 25, 1997
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 feet (50').

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 feet (30'), and each end lot in a townhouse or row house shall be not less than thirty-seven feet (37'). Where the end lot is adjacent to and lengthwise to a street, no dwelling unit will be permitted within the twenty-five foot (25') 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 14.10

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 MF. The district, when established, shall be restricted to sites abutting collector or arterial streets and may be developed either adjacent to or in conjunction with neighborhood or community shopping center developments. Public utilities and urban services shall either exist prior to development or be provided in conjunction with development. This district may also be used as a transitional or buffer zone between single family districts and other uses, which are not compatible with a low density residential environment. Within the R-3 district, all buildings, structures, or uses having commercial usage and characteristics and not planned as an integral part of the total residential development shall be excluded where nonprofit or otherwise. Accessory and conditional uses and home occupations expressly provided for in these Code, however, shall be allowed, provided they do not have objectionable characteristics, and provided further that they otherwise conform to the specific provisions of this Code.

B. Site Plan Required

Pursuant to the procedure hereinafter set forth, when a proposal is made to develop multi-family dwellings in the R-3 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-3 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.21

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

21 Amended by Ordinance 1768 – Adopted January 28, 2008.
Accessory, Temporary and Conditional Uses allowed shall be the same as those in the R-1 and R-2 districts, except that nursing homes are also allowed a conditional use.

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.  

F. Area Standards

1. All front, side and rear yards shall have a depth of not less than twenty-five feet (25').
2. All detached buildings shall be separated by a distance of not less than ten (10) feet
3. In the R-3 district, every building hereafter erected or structurally altered shall provide a minimum lot area per dwelling unit of two thousand four hundred twenty (2,420) square feet gross.
4. The minimum site areas for the R-3 district shall be one (1) acre gross.
5. Living Area
   a. Multi-family dwellings units for rent or sale to the general public shall have not less than five hundred fifty (550) square feet of heated or cooled living space.
   b. Multi-family dwellings units declared to be a retirement center of housing for the elderly shall have not less than four hundred (400) square feet or heated or cooled living space.

G. Off-Street Parking

See Chapter 14.10 (Off-Street Parking may be reduced for retirement center multi-family).

H. Facades

One hundred percent (100%) 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 inches (12”) may be used provided they comply with all relevant Sherwood Ordinances and regulations.  

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).

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22 Amended by Ordinance 1353 – Adopted August 25, 1997
23 Amended by Ordinance 2155 – Adopted June 26th, 2017
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).

D. **Height**

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

E. **Yard Standards**

1. **Front Yard** - There shall be a front yard setback having a depth of not less than twenty-five feet (25').
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 feet (60') 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 (principle use) and all accessory buildings on a lot in the aggregate shall not occupy more than one-third (1/3) or thirty-three and one-third (33 1/3) percent of the total area of the lot.

H. **Off-Street Parking**

See Chapter 14.10

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.

24 Amended by Ordinance 1353 – Adopted August 25, 1997
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 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 Housing may be made to the 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 sites 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 a permanent type opaque fence of wood, masonry, or metal construction having a height of not less than six (6) feet shall be erected and maintained between such area and the residentially zoned property.
   
   4. A storage area shall be provided at a central location at the rate of one hundred (100) square feet per mobile home for the storage of boats, campers, etc.
   
   5. All utility installations shall meet the requirements established by the appropriate codes of the City of Sherwood. In addition, the tie-down procedure for each "Class B" manufactured home shall be in
accordance with Appendix H of the 1982 Standard Building Code or the latest dated such code used in the City of Sherwood. "Class B" manufactured homes shall have underpinning installed within ninety (90) days from its sitting in a MHP Manufactured Home Park District. The underpinning shall be of a material and color that is functional and aesthetically compatible with the siding and decor of the "Class B" manufactured home to which it is applied. 25

6. No manufactured home space occupying a double frontage lot shall take access on a dedicated public street.

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.


D. Accessory Uses

1. Accessory buildings, including private garages, storage facilities, children's playhouses and green houses.

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.

25 Amended by Ordinance 2253 – Adopted by June 24, 2019.
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 14.10.
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 area, to meet the City of Sherwood's anticipated future need for modern, planned commercial developments in neighborhood and community shopping centers. Areas for this purpose have been set aside, as indicated by the Land Use Plan.

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

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 600 feet of a residential structure.

C. All signage shall be in conformance with the provisions for commercial sign regulations as per Ordinance Number 603 (as amended by Ordinance 1105), City of Sherwood.

D. A permanent fence shall be provided along any side or rear property line which abuts property zoned for residential purposes. The fence constructed must not extend beyond the front building line on any lot nor beyond the side building line on corner lots. Said fences shall have Planning Commission approval as to location, height, material and construction.

E. Any temporary use permitted in a commercial zone shall be located so as to meet all use regulations for that zone in which they are located, which includes but is not limited to all height and area regulations including front, rear and side yard setbacks.26

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 service shall be defined as the utilization of outdoor space to store goods, equipment, vehicles and other items used or sold by a business, whether temporary or permanently.

2. Open storage can be temporary stored or displayed during normal business hours. Normal business hours shall be construed as hours of business operating for the purpose it is intended.27

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 14.10.12 of this Code.

D. Height

26 Amended by Ordinance 1242 – Adopted September 25, 1995
27 Amended by Ordinance 1513 – Adopted January 22, 2001
The principal structure shall be a maximum height of eighty feet (80'); however, all other structures or man-made objects, except accessory buildings, shall not exceed a height of thirty-five feet (35').

E. Yard Standards

1. Front Yard

There shall be a front yard having a setback of not less than forty feet (40') from the front property line to the front line of the building (see Lot Line, Front – definition).

2. Side Yard

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

3. Rear Yard

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

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 percent (33-1/3%) of the total area of the site.

H. Screening

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

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 one-half inch (1½") asphaltic concrete hot mix with a six inch (6") compacted base, or a six inch (6") reinforced concrete slab, shall have appropriate bumper guards where needed. See Section 14.10.

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28 Amended by Ordinance 1353 – Adopted August 25, 1997
29 Amended by Ordinance 934 – Adopted July 23, 1990
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.

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 temporary stored or displayed during normal business. Normal business hours shall be construed as hours of business operating for the purpose it is intended.30

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

3. All detached buildings shall be separated by a distance of not less than twenty (20) feet.

4. Provision for ingress, egress and service easements shall be subject to the requirements of the Sherwood Subdivision Regulations and any special circumstance which may prevail at the specific site. The special circumstances will be addressed in the required site plan.

5. The required forty foot (40') front yard setback shall be landscaped and maintained by the property owner(s). No parking of wheeled vehicles shall be allowed within ten feet (10') 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 percent (40%) of the frontage of any abutting boundary street.

C. Permitted and Conditional Uses

Retail only: Refer to the "Schedule of Uses" in Chapter 14.10.12 of this Code.

D. Height

The principal structure shall be a maximum height of eighty feet (80'), however, all other structures or man-made objects, except accessory buildings, shall not exceed a height of thirty-five feet (35').31

E. Yard Standards

1. Front Yard

30 Amended by Ordinance 1513 – Adopted January 22, 2001

31 Amended by Ordinance 1353 – Adopted August 25, 1997
There shall be a front yard having a setback of not less than forty feet (40') from the front property line to the front line of the building (See definition of Lot Line, Front).32

2. Side Yard

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

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-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 percent (33 ⅓ %) of the total area of the site.

H. Screening

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

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 (1½) inch asphaltic concrete hot mix with a six inch (6") compacted base, or a six inch (6") reinforced concrete slab, and shall have appropriate bumper guards where needed. See Chapter 14.10.

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

32 Amended by Ordinance 934 – Adopted July 23, 1990
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, promotional events, and the normal pump island services of service station operations. In addition, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the façade area of the front of the building as long as said display of merchandise is stored inside the building or other completely enclosed area after normal working hours.

3. All detached buildings shall be separated by a distance of not less than twenty (20) feet.

4. Provision for ingress, egress and service easements shall be subject to the requirements of the Sherwood Subdivision 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 foot (40') front yard setback shall be landscaped and maintained by the property owner(s). No parking of wheeled vehicles shall be allowed within ten feet (10') 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 14.10.12 of this Code.

D. Height

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

E. Area Standards

1. Yard Setbacks: The required front, side and rear yard setbacks shall be a distance of not less than forty feet (40') 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 feet (300') of frontage on at least one (1) abutting boundary street.

F. Screening

Where a "C-SC" District abuts a Residential District, whether in a shopping center or free standing strip development arrangement, a fence or screen shall be required. Any fence or screen constructed must not extend beyond the front building line on any lot nor beyond the side building line on corner lots.

33 Amended by Ordinance 1353 – Adopted August 25, 1997
Said fences or screens shall have Planning Commission approval as to location, height, material and construction.

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 inch (1 ½”) asphaltic concrete hot mix with a six inch (6”) compacted base or a six inch (6”) reinforced concrete slab, and shall have appropriate bumper guards where needed. See Chapter 14.10.

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 14.10.12 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.34

C. Screening

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

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 inch (1 ½”) asphaltic concrete hot mix with a six inch (6”) compacted base or a six inch (6”) reinforced concrete slab, and shall have appropriate bumper guards where needed. See Chapter 14.10.

E. Yard Standards

1. Front Yard

34 Amended by Ordinance 1127 – Adopted February 28, 1994
There shall be a front yard having a setback of not less than forty feet from the front property line to the front line of the building.\textsuperscript{35} However, overhead canopies greater than twelve feet (12\textquoteleft) in height may extend into the front yard to within fifteen feet (15\textquoteleft) of the front property line.\textsuperscript{36}

2. \textit{Side Yard}

Side yard setback shall be a minimum of ten feet (10\textquoteleft) except where side property line abuts a street or residential district then the side yard shall be a minimum of twenty-five feet (25\textquoteleft).

3. \textit{Rear Yard}

Rear yard shall be ten feet (10\textquoteleft) except where rear property line abuts a residential district thence rear yard shall be a minimum of twenty-five feet (25\textquoteleft).

F. \textit{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 feet (100\textquoteleft) at the building line.
3. Lot depth shall not be less than one hundred feet (100\textquoteleft).

G. \textit{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. \textit{Height}

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

I. \textit{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.\textsuperscript{37}

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 granted by the Board of Adjustment in cases where outdoor storage is to be located in the front or side yards.\textsuperscript{38}

14.05.07. \textbf{Highway Commercial and Open Display District (C-4)}

A. \textit{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

\textsuperscript{35} Amended by Ordinance 934 – Adopted July 23, 1990
\textsuperscript{36} Amended by Ordinance 992 – Adopted July 22, 1991
\textsuperscript{37} Amended by Ordinance 1513, adopted by Ordinance January 22, 2001
\textsuperscript{38} Amended by Ordinance 1092, adopted by Ordinance March 22, 1993.
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 14.10.12. of this Code.

2. Vehicle storage shall be allowed as a conditional use for mini-storage facilities.\(^{39}\)

3. Open storage can be permanently stored in a C-4 zone. Merchandise under the original eaves or original overhangs of the principle building would be acceptable as long as safety and fire protection is paramount. Parked company vehicles shall be limited to three (3) vehicles during the time the perspective business is closed.\(^{40}\)

C. Screening

Screening requirements for the "C-4" District shall be the same as required for the "C-2" District. Additionally, vehicle storage areas at mini-storage facilities shall be completely screened. The Planning Commission shall approve the storage area location and screening methods utilized.\(^{25}\)

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 as a conditional use \(^{41}\)

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.

\(^{39}\) Amended by Ordinance 2037, adopted by Ordinance October 14, 2014

\(^{40}\) Amended by Ordinance 1513, adopted by Ordinance January 22, 2001

\(^{41}\) Amended by Ordinance 1679, adopted by Ordinance September 26, 2005
CHAPTER 14.06. OFFICE DISTRICTS

Sections:
14.06.01 General Statement of Purpose
14.06.02 District Restrictions
14.06.03 Special Purpose Office District (O-1)
14.06.04 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 shipping 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 Ordinance 603, as amended.

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) employee's and three thousand (3,000) or less square feet of office floor area. The conversion or replacement of older structures no longer useful, serviceable or desirable in their present use to office use is encouraged in established areas of the City indicated as "CS" on the Sherwood Land Use Plan. The establishment of "O-1" Districts to accommodate
new office construction designed to reinforce desirable characteristics of the neighborhood may be considered for the "CS", "NS" and "SD" areas shown on the Sherwood Land Use Plan.

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 feet (35').

E. Yard Standards

1. Front Yard

   There shall be a front yard having a depth of not less than forty feet (40') 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 feet (25').

3. Rear Yard

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

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 feet (60') and a minimum lot depth of not less than one hundred feet (100').

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.

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42 Amended by Ordinance 1353 – Adopted August 25, 1997
H. **Screening**

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

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 inch (1 ½") asphaltic concrete hot mix with a six inch (6") compacted base or a four inch (4") concrete slab, and shall have appropriate bumper guards where needed. See Chapter 14.10.

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 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 percent (10%) 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 percent (40%) of the area of such site.

4. All detached buildings shall be separated by a distance of not less than twenty feet (20').

5. Provisions for ingress, egress and service easements shall be presented to the Planning Commission for review and approval along with the site plan.

6. A twenty-five foot (25') 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 feet (80'); however, all other structures or man-made objects, except accessory buildings, shall not exceed a height of thirty-five feet (35').

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 standing office building shall be fourteen thousand (14,000) square feet. In
   addition, for either type of office development, there shall be not less than two hundred feet (200') of
   frontage on at least one (1) abutting boundary street.

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

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 severe potential for generation of odor and may involve large amounts of exterior storage. This group may include junk, scrap or salvage yards and all extraction uses. These uses create major disruptions to the area's environment, even when carefully regulated. Dust, dirt, noise and unsightly conditions can be anticipated. None of these type 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 uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.

2. Outdoor storage of trash shall be in covered receptacles and shall be at the sides or rear of the site and shall be totally encircled or screened by a fence, planting or other suitable visual barrier.

3. A permanent opaque screening fence or wall shall be constructed along any side or rear property line which abuts property zoned for residential purposes. The height of this screen or wall shall be not less than eight (8) feet and shall be constructed of wood, masonry or other durable opaque material.
C. Permitted and Conditional Uses

Refer to the "Schedule of Uses" in Chapter 14.10.12 of this Code.

D. Height

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

E. Yard Standards

A. Front Yard - There shall be a front yard having a depth of not less than seventy feet (70').

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

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

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 feet (150') and tract depth of not less than two hundred feet (200').

G. Lot Coverage

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

H. Off-Street Parking

See Chapter 14.10.
CHAPTER 14.08: PLANNED UNIT DEVELOPMENTS (PUD)

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

All 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 is 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-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. Uses Permitted

Permitted uses within a PUD shall conform to the permitted uses within the existing zoning district in which the PUD is being proposed, or and shall be consistent with the general character of the land use classification of the subject property in the city’s Land Use Plan, or and be substantially similar to and compatible with adjacent property.

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44 Chapter amended in its entirety by Ordinance 2213 - adopted September 24, 2018
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 Ratio.

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:

\[
\text{Housing Units} \div (\text{Developable Land} + \text{Common Usable Open Space}) = \text{Residential Density}
\]

- 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.

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. Item 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 (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 plane 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 percent (150%) 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 and Development 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 designed 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 suitability for the proposed use of the common owned facilities.

If the 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-rata 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 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 and Development 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 and Development 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 and Development 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 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, conditionally approve, 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 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 14.08.1.

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 Officer 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 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 be either 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 Section 6 below.

2. Long Form PUD

Developments intended to plat property into two or more lots. The first step in 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 Land Subdivision and Development Code. An application for a Final Development Plan 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 Section 6 below.

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 Land Subdivision and Development Code; 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 Officer 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 Section 7, 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:

<table>
<thead>
<tr>
<th>PUD Application Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of submission</strong></td>
</tr>
<tr>
<td>Zoning Plan</td>
</tr>
<tr>
<td>Final Development</td>
</tr>
<tr>
<td>Zoning Plan</td>
</tr>
<tr>
<td>Final Development</td>
</tr>
</tbody>
</table>

**REQUIREMENTS**

- 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 right-of-ways). ✔ ✔ ✔ ✔
- North arrow, scale, date of preparation, and existing zoning classification. ✔ ✔ ✔ ✔
# PUD Application Requirements

<table>
<thead>
<tr>
<th>Type of submission</th>
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<th>Long Form</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Zoning Plan</td>
<td>Final Development</td>
</tr>
<tr>
<td>Boundary Survey of the property and written legal description of the property.</td>
<td>✔ ✔ ✔ ✔ ✔</td>
<td></td>
</tr>
<tr>
<td>Source of title to property giving deed record book page number or instrument number</td>
<td>✔ ✔ ✔ ✔</td>
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<tr>
<td>Location of all existing and proposed easements.</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Area and dimensioned length and width for each lot in the proposed development.</td>
<td>✔ ✔ ✔ ✔</td>
<td></td>
</tr>
<tr>
<td>Proposed building footprint(s) with all proposed setbacks dimensioned.</td>
<td>✔ ✔ ✔ ✔</td>
<td></td>
</tr>
<tr>
<td>Architectural elevation renderings for the front, side, and rear facades for all structures, excluding single-family residential. List of façade materials.</td>
<td>✔ ✔ ✔ ✔</td>
<td></td>
</tr>
<tr>
<td>Lighting plan showing street lighting and exterior lighting quantity, direction, and pattern.</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Proposed permitted uses and location of permitted uses.</td>
<td>✔ ✔ ✔ ✔</td>
<td></td>
</tr>
<tr>
<td>Proposed Density</td>
<td>✔ ✔ ✔ ✔</td>
<td></td>
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<tr>
<td>Proposed setbacks and buffer areas shown with dimensions.</td>
<td>✔ ✔ ✔ ✔</td>
<td></td>
</tr>
<tr>
<td>Existing structure(s) and general indication of any significant vegetation.</td>
<td>✔ ✔ ✔ ✔</td>
<td></td>
</tr>
<tr>
<td>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%.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing significant drainage features on the site.</td>
<td>✔ ✔ ✔ ✔</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>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.</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Soil tests, as may be required or requested.</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Location, size, and materials of all proposed utilities.</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Location of parking areas, vehicle maneuvering areas, and any proposed access drives.</td>
<td>✔ ✔ ✔ ✔</td>
<td></td>
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<tr>
<td>Location of access drives for adjacent properties, including those across the street, street intersections. Items dimensioned relative to each other.</td>
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<td></td>
</tr>
<tr>
<td>Proposed sidewalks and streets.</td>
<td>✔ ✔ ✔ ✔</td>
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</tr>
</tbody>
</table>
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<table>
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<tr>
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<td>✓</td>
</tr>
<tr>
<td>Development</td>
<td>✓</td>
<td>✓</td>
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</table>

#### REQUIREMENTS

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Short Form</th>
<th>Long Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street names, class per Master Street Plan, rights-of-way (existing and proposed), centerlines, and easements bordering or traversing the property.</td>
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<td>✓</td>
</tr>
<tr>
<td>Open Space Plan indicating the size and proposed use for common useable open space areas.</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Landscaping Plan indicating the size, location, and proposed types of plantings on the site.</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Certificate of Owner</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Certificate of Surveying Accuracy</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Certificate of Engineering Accuracy</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Static pressure and flow of the nearest hydrant</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>As-built drawings</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

### 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 back 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)

A. General Purpose and Intent
The purposes of Air Installation Compatible Use Zone Overlay District (AICUZOD) shall be to:
1. comply with Arkansas laws [Act 530 of 1995 and Act 605 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)(l)(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 exist a small number of residents per property acre

45 Entire subsection added by Ordinance 1744 – Adopted July 23, 2007
in accordance with recommendations of the AICUZ study.

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 insure 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 control 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 water fowl, 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 feet (10') of an aircraft approach/departure surface;

6. No use shall allow for exposure of any person(s) to a noise level greater than DNL 65 db; and,

7. No use shall violate the height restriction criteria of 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 nonresidential 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 appropriate in each zone.
<table>
<thead>
<tr>
<th>GENERALIZED LAND USE</th>
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<td>Public Assembly</td>
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<td>Public and Quasi-Public Service</td>
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<td>Yes c</td>
<td>Yes c</td>
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<td>Shopping Districts</td>
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<td>No</td>
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<tr>
<td>Trade, Business, and Offices</td>
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<td>Yes b</td>
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<td>Transportation and Utilities</td>
<td>No</td>
<td>Yes b</td>
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</tr>
</tbody>
</table>

**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 of 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), agents, 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 dollars ($25.00) and court cost for a first offense, no less than Fifty Dollars ($50.00) and court costs for a second offense, and no less than One Hundred Dollars ($100.00) 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 46

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 feet. Attached uncovered decks shall be required to meet rear yard setbacks of fifteen feet. The side yard setback requirement shall meet the same criteria as the side yard setback for a principal building. An attached uncovered deck shall not be built on an easement.

B. Attached Covered Decks

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

14.10.02. Fences and Screens

A. Residential

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

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

46 Amended by Ordinance 1569, adopted January 28, 2002
Any fence or screen constructed must not extend beyond the front building line on any lot including corner lots. Any fence or screen proposed for construction in a side yard facing a street or corner lot shall be subject to a finding by the City Engineer as follows:

The City Engineer shall review or cause to be reviewed the application, taking into consideration:

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

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

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

B. Commercial, Office and Industrial

See appropriate Sections 14.05.02.D; 14.05.03.H; 14.05.04.H; 14.05.05.F; 14.06.03.H; 14.06.03.I; 14.07.02.B.3.

**14.10.03. Mini-Storage Facilities**

A. The storage of hazardous chemical 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.
   3. All buildings shall meet the requirements of Section 14.10.10 regardless of zone in which the mini-storage is located.
   4. All lighting shall not exceed twenty (20) feet in height and be full cut-off, shielded lighting as defined by the IESNA. Such lighting shall be directed to prevent the trespass of light onto the adjacent residential district or use.

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Adopted by Ordinance 2219, adopted October 22, 2018
5. Additional conditions may be imposed as considered necessary by the Sherwood Planning Commission and the Sherwood City Council.

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**

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

1. No display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and

2. No commodity sold upon the premises, except that which is prepared, repaired or altered on the premises; and

3. No person employed other than a member of the immediate family residing on the premises; and

4. No mechanical equipment used, except of a type that is similar in character to that normally used for purely domestic or household purposes and equipment which is purchased and designed for and used primarily as equipment in the pursuit of a hobby, shall be considered as used for purely domestic or household purposes unless such equipment shall be used to produce and sell regularly, as compared to occasionally, products of any description or in connection with the sale of the services of an operator of such equipment. The presence on the premises of not more than two (2) of any particular items of such mechanical equipment shall not alone be deemed to constitute equipment of a type other than normally used for purely domestic or household purposes.

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

Provided, however, that any person desiring to use premises in a residential zone shall before making such use of the premises make application for and obtain from the City Clerk a special home occupation license tax to be paid that shall be consistent with the schedule established for such business in a commercial zone. The City Building Inspector shall make necessary inspections to assure compliance with pertinent regulations. The Inspector's findings and conclusions shall be made known to the City Clerk and the property owner as necessary.

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

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 No. 462, amended by Ordinance No. 1605.
14.10.07. **Vending Machines**

A. It is the purpose of this section to strictly prohibit 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 principle buildings or uses having on premise staff.

14.10.08. **Sexually Oriented Businesses**

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 devises are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" (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 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) "specified anatomical areas (as defined in subsection 11. below); or
   c. Films, motion 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).

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48 Amended by Ordinance 1841 – September 28, 2009
49 Added by Ordinance 1415 - Adopted December 21, 1998
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.50

6. Adult Theaters - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appearing in a state of nudity of live performances which are characterized by the exposure of "specified sexual activities" (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 dress which fails to opaquely 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 opaquely 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 opaquely covered.

12. Residential District - Any land within the city limits of Sherwood, Arkansas zoned as R-1, R-2, R-3, R-4, and P. U. D.
    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;

50 Amended by Ordinance 1536 - Adopted June 25, 2001
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 six hundred sixty feet (660') of:
   a. A church;
   b. A public or private elementary, middle school, secondary or post-secondary school, preschool or child care facility;
   c. A boundary of a residential district (R-1, R-2, R-3, R-4, or P. U. D);
   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 businesses within 660 feet of another sexually oriented businesses, or within 660 feet of any room, building, premises, places, or establishment that sells or dispenses any alcoholic beverage, which means but is not limited to distilled spirits wine or beer.
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, any single family or multiple family residential use, hospital, properties listed on the National Historic Register or local historic districts as identified by the Arkansas Historic Preservation Program, place or establishment that sells or dispenses and alcoholic beverages defined in the previous paragraph, or any other sexually oriented business.
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 dollars ($500,00);
2. If the violation is, in its nature, continuous respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred fifty dollars ($250.00) for each day that the same is unlawfully continued.

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 prosecution for criminal violations.

14.10.09. Accessory Buildings in Residential Districts

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)% 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 feet (10’) from any dwelling existing or under construction on the same or adjacent lot.

C. Height for accessory buildings shall be measured from the bottom of the sole plate to the top of the uppermost plate and shall be governed as follows:

1. Lots one-half (0.5) acre or less shall have a maximum sidewall height of ten feet (10’).

2. For lots larger than one-half (0.5) acre shall have a maximum sidewall height of seventeen feet (17’).

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.

<table>
<thead>
<tr>
<th>Accessory Building Type</th>
<th>Side and Rear Yard Setback Minimum</th>
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</thead>
<tbody>
<tr>
<td>Lot 1/2 Acre or Smaller</td>
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<tr>
<td>Up to 200 square feet + sidewall up to 10 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>Over 200 square feet + sidewall up to 10 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>Lot More than 1/2 Acre and Less than 1 Acre</td>
<td></td>
</tr>
<tr>
<td>Up to 200 square feet + sidewall up to 10 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>Up to 200 square feet + sidewall over 10 feet but less than 17 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>Over 200 square feet + sidewall up to 10 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>Over 200 square feet + sidewall over 10 feet but less than 17 feet</td>
<td>8 feet</td>
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51 Amended by Ordinance 2260 – Adopted July 22, 2019
### Lot 1 Acre or More

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<th>Description</th>
<th>setback</th>
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<td>Up to 200 square feet + sidewall up to 10 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>Up to 200 square feet + sidewall over 10 feet but less than 17 feet</td>
<td>Not less than 10% of average lot width up to a maximum of 25 feet.</td>
</tr>
<tr>
<td>Over 200 square feet + sidewall up to 10 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>Over 200 square feet + sidewall over 10 feet but less than 17 feet</td>
<td>Not less than 10% of average lot width up to a maximum of 25 feet.</td>
</tr>
</tbody>
</table>

2. Permitted Exceptions: A property owner may request an exception from the requirements in the chart in subsection 1. above, and Planning, Permitting & Inspections Department staff may approve a reduction, provided that:
   a) no reduction may be to a distance of less than four feet (4’) from a side or rear property line; and,
   b) 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,
   c) all of the following criteria can be met:
      1) the sidewall height of the accessory structure does not exceed ten feet (10’); and,
      2) the accessory structure does not exceed five hundred (500) square feet in total area; and,
      3) the accessory building has no loft windows or doors facing either a side or rear reduced setback.

### 14.10.10. Exterior wall surfaces ⁵²

A. Restriction on exterior wall covering

Effectively, after July 27, 2015, any new exterior wall covering constructed in any commercial or office zoning classification, except C-4 or I-1, shall be restricted to the following types of exterior wall coverings:

1. Exposed masonry construction, having a natural or applied finish according to manufacturer’s recommendations, with the exception of either structural or lightweight precision concrete masonry units, (commonly known as plain concrete block), which shall be stained or painted with an opaque finish.

2. Adhered masonry veneer.

3. Anchored masonry veneer.

4. Wood and wood products, properly constructed and finished according to manufacturer’s recommendations, and in keeping with standard trade practices as established by the American Wood Council (AWC) and the Engineered Wood Association (APA). Wood and wood products include, but are not limited to, wood sidings, rough-sawn lumber and beams, engineered lumber and beams, exterior plywood sheathings, hardboard siding products, and wood shingles.

5. Fiber cement products designed to emulate wood products.

6. Vinyl siding products designed to emulate wood products.

⁵² Amended by Ordinance 2074 – Adopted July 27, 2015
7. Cold-rolled copper, copper shingles, high-yield copper, lead coated copper, and lead coated high-yield copper.
8. Marble or granite.
9. Porcelain tile
10. Precast stone facing, anchored cast artificial stone, and natural stone.
11. Structural glass
12. Exterior cement plaster (stucco)
14. Terra cotta, anchored or adhered.

B. Prohibited exterior walls

Metal products not specifically listed in Section B. above are prohibited, regardless of the applied finish.

C. Exceptions to exterior wall covering requirements

Excepted from this Code is any commercial building design which is part of a regional or national chain’s or franchise’s uniform building design, provided however, if such design includes corrugated or ribbed metal on any part of the exterior of the building other than the roof, trim, eaves, soffits, gables, parapets, canopies, or other minor architectural features, such design will require the approval of the Sherwood City Council.

D. Additional provisions on exterior wall coverings

1. Nothing in this section expressly forbids the use of any legal exterior wall system or exterior wall covering, including legal alternate materials not listed in the prescriptive building code adopted by the City of Sherwood; however, the use of any material not expressly listed in Section B. above may not be used unless approved by the City Council by Ordinance or Resolution.

2. For the purpose of constructing trim, eaves, soffits, gables, parapets, canopies, and other architectural features subordinate to the primary exterior wall covering surfaces, nothing in this section is meant to prohibit any legal building material listed in the prescriptive building code adopted by the City of Sherwood; provided, however, corrugated or ribbed metal exterior wall coverings used for these architectural features must be approved by the City Council by Ordinance or Resolution.

3. Appeals. In order for the City Council to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this section, appeals must be submitted in writing stating the specific items, orders, decisions, or determinations in dispute. Appeals will be formally submitted to the City Council to obtain a ruling.

4. Violations. Any person who fails to comply with the provisions of this section, who fails to carry out an order made pursuant to this section, or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the City of Sherwood, Arkansas.

5. Failure to comply with the time limits of an abatement notice or other corrective notice issued by code enforcement officer shall result in each day that such violation continues being regarded as a new and separate offense.
6. Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one-hundred dollars ($100.00) nor more than five-hundred dollars ($500.00) for each offense, together with the costs of prosecution and/or imprisonment for not more than thirty (30) days. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof shall be deemed a separate offense, which is subject to a fine not less than fifty dollars ($50.00) for each day that the violation continues unabated.

14.10.11. Signs, Sign Structures and Billboards
Refer to Ordinance Number 603 as amended by Ordinance Number 1105 for specific regulations.

14.10.12. Driveway Paving Standards
A. Size
1. Residential driveways shall not exceed 24 feet in width, exclusive of curb returns. This provision shall apply to driveways for structures placed greater than fifty feet (50') 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 feet (50') from the front property line.
2. Commercial/Industrial driveways shall not exceed 40 feet (40') 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 feet (100') 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 percent (50%) of the county assessed value of the existing property improvements.
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 feet (10') and a depth of not less than four inches (4") of 3500 PSI concrete paving, or four inches (4") of compacted Class 7 base with two inches (2") 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 feet (10') and depth of at least two inches (2") 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. Schedule of Uses
## SCHEDULE OF USES (14.10.13)

X = Permitted in District  
A = Accessory Use  
T = Temporary Use  
C = Conditional Use  
Blank = Use not permitted in District

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# SCHEDULE OF USES (14.10.13)

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<th>MULTI-FAMILY RESIDENTIAL</th>
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<th>MOBILE HOME PARK</th>
<th>NEIGHBORHOOD COMMERCIAL</th>
<th>SHOPPING CENTER</th>
<th>COMMUNITY SHOPPING</th>
<th>GENERAL COMMERCIAL</th>
<th>HIGHWAY &amp; OPEN SPACE DISPLAY</th>
<th>SPECIAL PURPOSE OFFICE</th>
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<td>Carpet and Rug Cleaning Plants [7217]</td>
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<td>Car Sound System Installation and Repair [7622]</td>
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<td>Catering Service [5812]</td>
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<td>Churches &amp; other Religious Institutions and their Accessory Buildings &amp; Uses [8661]</td>
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53 Amended by Ordinance 1127 – Adopted October 25, 1993
### SCHEDULE OF USES (14.10.13)

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| Cleaning, Pressing, Laundering & Dying [7216] | X | 6 |
| Clothing Store [5611, 5621] | X | X | X | X | X | X | X | 6 |
| Cold Storage Plants [4222] | | | | | | | | |
| Communication Equipment Sales & Service [5999] | X | X | X | X | 6 |
| Communication Towers (35' to 100' height) | C | X | | | |
| Community Welfare or Health Center [809, 9431] | X | X | X | X | 5 |
| Concessionary Businesses (excluding fireworks) | | | | | | | | |
| Contractors' Offices with Equipment Storage Yards [Groups 15, 16, 17] | T | T | T | | N/A |
| Contractors' Offices (executive offices only) | | | C | C | C | X | X | 7 |
| 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 | X | | 6 |
| Dairy Products Plant [Group 202] | | | | | | X | 7 |
| Day Nursery or Day Care Center [8351] | C | C | C | X | X | X | X | C | 4 |
| Doctors' Office (licensed practitioner) [Group 801, 802, 803, 804] | X | X | X | X | X | X | 5 |
| Dog Grooming | | | | | | | | |
| Drug Store or Pharmacy [5912] | X | X | X | X | X | | A | 6 |
| Dry Cleaning (nonhazardous materials) [7219] | | | | | | | | |

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54 Amended by Ordinance 1396 – Adopted June 22, 1998
55 Amended by Ordinance 1680 – Adopted September 26, 2005
## SCHEDULE OF USES (14.10.13)

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<td>Educational Institutions including but not limited to colleges, universities, public &amp; private elementary, junior &amp; senior high schools and their accessory buildings and uses (Group 82)</td>
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<td>Food Lockers and Services [4222]</td>
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<td>Fuel Oil, Ice Plant, Butane, and Wood Sales [Group 598, 2097]</td>
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56 Amended by Ordinance 1717 – Adopted October 23, 2006
57 Amended by Ordinance 1119 – Adopted September 9, 2017
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58 Amended by Ordinance 1222 – Adopted September 27, 1993  
59 Amended by Ordinance 1572 – Adopted February 25, 2002
## SCHEDULE OF USES (14.10.13)

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<th>COMMUNITY SHOPPING</th>
<th>GENERAL COMMERCIAL</th>
<th>HIGHWAY &amp; OPEN SPACE DISPLAY</th>
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60 Amended by Ordinance 2076 – August 24, 2015
61 Amended by Ordinance 1637 – Adopted July 26, 2004
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<th>GENERAL COMMERCIAL</th>
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<td>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]</td>
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62 Amended by Ordinance 1679 – September 26, 2005
63 Amended by Ordinance 2219 – October 22, 2018 superseding Ordinance 2165 – October 23, 2017
64 Amended by Ordinance 2257 – Adopted July 22, 2019.
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\(^{65}\) Amended by Ordinance 2025 – April 28, 2014 superseding Ordinance 1703 – May 22, 2006

\(^{66}\) Amended by Ordinance 1213 – Adopted February 27, 1995
## SCHEDULE OF USES (14.10.13)

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| Printing and Publishing Plants [Group 271-275] | X 7 |
| Private Club with Dining and Bar Service [7994, 8641] | X |
| Public Buildings (municipal) and Grounds [Group 91-96] | C C C C |
| Public Service Plumbing Station [Group 494, 495] | C C |
| 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 |
| Public Utility Yards [Group 49] | X X X 7 |
| Radio and Television Repair Shops [7622] | X X X X X 6 |
| Recreational Vehicles, Camping Trailers, Boats [5551] | X N/A |
| Recycling Facility [5093] | C 7 |
| Recycling Pick-up Station (Aluminum) [5093] | C C X 6 |
| Refrigeration Equipment Sales and Service [5722] | X X 6 |
| Residential Care [8361] | C 2 |
| Restaurant (with Bar) [5812] | X X X 4 |
| Restaurants, including Drive-ins [5812] | X X X 4 |
| Restaurants, without Drive-ins [5812] | X X X A 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 |

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67 Amended by Ordinance 1017 – Adopted November 25, 1991
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<tr>
<td>Studio (Music, Dance or Ceramics) [8299]</td>
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<tr>
<td>Swimming Pool, Tennis Courts, Other Private Recreation [7389]</td>
<td>A A A A</td>
<td>A A A A X X</td>
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<td>A A A A X X</td>
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<tr>
<td>Swimming Pool Sales and Display [1799, 7399]</td>
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<td>X 6</td>
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<tr>
<td>Tailor [5699]</td>
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<tr>
<td>Taxicab Companies 70</td>
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</tbody>
</table>

68 Per Ordinance 2004, adopted October 28, 2013, permits one single-family unit by right if used for security personnel in mini-storage facilities. See “Security Personnel Living Quarters” in Section 14.17.02 of this Code.
70 Amended by Ordinance 1029 – Adopted January 27, 1992
### SCHEDULE OF USES (14.10.13)

<table>
<thead>
<tr>
<th>X = Permitted in District</th>
<th>A = Accessory Use</th>
<th>T = Temporary Use</th>
<th>C = Conditional Use</th>
<th>Blank = Use not permitted in District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OPEN SPACE</strong></td>
<td><strong>SINGLE FAMILY RESIDENTIAL</strong></td>
<td><strong>MULTI-FAMILY RESIDENTIAL</strong></td>
<td><strong>MANUFACTURED HOUSING</strong></td>
<td><strong>MOBILE HOME PARK</strong></td>
</tr>
<tr>
<td><strong>OS</strong></td>
<td><strong>R-1</strong></td>
<td><strong>R-2</strong></td>
<td><strong>R-3</strong></td>
<td><strong>R-4</strong></td>
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<tr>
<td>Taxicab Service (storage, maintenance &amp; repair)</td>
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<tr>
<td>Taxidermists [7699]</td>
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<tr>
<td>Theater (drive-in) [7832]</td>
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<tr>
<td>Theater (not drive-in type) [7832]</td>
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<tr>
<td>Tire Sales, Retreading and Recapping [7534]</td>
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<td>X</td>
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<tr>
<td>Tobacco and Smokers Pipe Shop [5933]</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Tool or Cutlery Sharpening or Grinding [7699]</td>
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<tr>
<td>Tool and Equipment Rental (inside display only) [735]</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Tool and Equipment Rental (outside display only) [735]</td>
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<tr>
<td>Townhouse</td>
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<tr>
<td>Trade Shops (including cabinet, carpentry, planing, plumbing)</td>
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<tr>
<td>Trailer Sales and Service and Rental [5271, 5561]</td>
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<tr>
<td>Training Facilities (Indoor)</td>
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<tr>
<td>Training Facilities (Outdoor)</td>
<td>C</td>
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<tr>
<td>Travel Bureau [4724]</td>
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<td>Triplex</td>
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<tr>
<td>Trucking Terminals [4231]</td>
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<tr>
<td>Typewriter and/or Calculator Repair Shops [7699]</td>
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<tr>
<td>Upholstery Shop [5714, 7532]</td>
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</tbody>
</table>

71 Amended by Ordinance 1029 – Adopted January 27, 1992

72 Amended by Ordinance 1165 – Adopted May 23, 1994

73 Amended by Ordinance 2145 - April 24th, 2017
### SCHEDULE OF USES (14.10.13)

<table>
<thead>
<tr>
<th>Uses</th>
<th>OPEN SPACE</th>
<th>SINGLE FAMILY RESIDENTIAL</th>
<th>MULTI-FAMILY RESIDENTIAL</th>
<th>MANUFACTURED HOUSING</th>
<th>NEIGHBORHOOD COMMERCIAL</th>
<th>SHOPPING CENTER</th>
<th>COMMUNITY SHOPPING</th>
<th>GENERAL COMMERCIAL</th>
<th>HIGHWAY &amp; OPEN SPACE DISPLAY</th>
<th>SPECIAL PURPOSE OFFICE</th>
<th>GENERAL OFFICE</th>
<th>LIGHT INDUSTRY</th>
<th>PARKING TYPE</th>
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<tbody>
<tr>
<td>Used Car, Truck and Van Sales [5511]</td>
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<tr>
<td>Vehicle Rental [74]</td>
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<tr>
<td>Veterinary Offices (fully enclosed runs, yards, pens and kennels) [0742]</td>
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<td>Warehouses, including mini-warehouses except for the storage of fuel or other flammable liquids and explosives [4224, 4225]</td>
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<td>Warehouses, Other [4221, 4222, 4226]</td>
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<tr>
<td>Water Tanks (Municipal) [75]</td>
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<tr>
<td>Wholesale Establishments (Inside display only) [Group 50, 51] [76]</td>
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<tr>
<td>Wholesale Establishments (With outside display) [Group 50, 51] [75]</td>
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<tr>
<td>Zero Lot Line Residential [77]</td>
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</tbody>
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74 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.

75 Amended by Ordinance 1939 – June 25, 2012

76 Amended by Ordinance 1982 – March 25, 2013

77 Amended by Ordinance 1704 – May 22, 2006
CHAPTER 14.11. RESERVED

Sections:
14.11.01
CHAPTER 14.12. OFF-STREET PARKING AND LOADING

Sections:

14.10.01 Off-Street Parking Space Requirements
14.10.02 Special Location or Sharing of Same Off-Street Parking Space
14.10.03 Amount of Off-Street Parking Space Required
14.10.04 Off-Street Loading
14.10.05

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 Arkansas State Laws Act 907 or 1985 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 separated 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 different standards for determining the amount of off-street parking space required, the parking space shall be adequate in area to provide the sum total of off-street parking space requirements of all such uses.

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

A. Purpose of Procedure

Under the standard provisions of this Code, 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 feet (400') 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 schedules of operation of all such uses are such that none of the uses sharing the space require the off-street parking space at the same time as any other use sharing the space.

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 other 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 released from recording if all uses, land and structures remaining under such plan can be made to comply with all conditions and limitations of the plan and all uses, land and structures withdrawn from such plan can be made to comply with all 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 percent (50%) 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 percent (10%) 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 (1½) 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 feet (400’) 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 (1½) 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 feet (50') 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.78

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 ½) seats.

b. Dance halls and exhibition 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. PARKINGTYPE 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) for space each two hundred (200) square feet floor area.

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78 Amended by Ordinance 1388 – Adopted April 27, 1998
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) student 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 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) spaces 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 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 ten 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 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, 0-1 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 14.10.03, 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 of such structures enlarged, expanded or changed and maintained as herein required, at least the amount of off-street loading space that would be required hereunder if the increment were a separate structure. However, where a lot with an existing structure is cleared and a new structure erected therein, there shall be provided and maintained the off-street loading space required herein.

C. Location of Off-Street Loading Space

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

D. 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 feet (35') long and fifteen feet (15') high:

<table>
<thead>
<tr>
<th>Square feet of Gross Floor Area Required</th>
<th>No. of Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000 up to and including 40,000</td>
<td>1</td>
</tr>
<tr>
<td>40,001 up to and including 100,000</td>
<td>2</td>
</tr>
<tr>
<td>100,001 up to and including 160,000</td>
<td>3</td>
</tr>
<tr>
<td>160,001 up to and including 240,000</td>
<td>4</td>
</tr>
<tr>
<td>240,001 up to and including 320,000</td>
<td>5</td>
</tr>
<tr>
<td>320,001 up to and including 400,000</td>
<td>6</td>
</tr>
<tr>
<td>For each additional 90,000 over 400,000</td>
<td>1 additional</td>
</tr>
</tbody>
</table>
CHAPTER 14.13. NONCONFORMING USES AND STRUCTURES

Sections:
14.13.01 Non-Conforming Uses

14.13.01. Non-Conforming Uses

A. Continuing Existing Non-Conforming Uses

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

B. Limitations on Non-Conforming Uses

A non-conforming use of a building or land shall not be changed, extended, reconstructed, enlarged or structurally altered unless:
1. Such change is required by law or order.
2. An appeal or variance is granted by the Board of Zoning Adjustment.
3. Such repairs and maintenance work are required to keep the building structurally sound.
4. Any commercial property that comes into Sherwood as non-conforming that is destroyed by arson or an Act of God may be rebuilt to city standards and ordinances if built the same size and purpose.

C. Procedure for change or expansion of non-conforming use:

Upon filing an application for change or expansion of non-conforming use with the Secretary of the Planning Commission, providing such information as the Commission may require to properly evaluate the merits of the request, these requirements may be amended by the following procedures:

1. The Planning Commission shall hold a public hearing on the proposed change or expansion of non-conforming use not less than fifteen (15) days after notice of such hearing has been published in a newspaper of general circulation in Sherwood. The notice shall give the time and place of the hearing and a description of the proposed change of non-conforming use. The applicant shall inform all owners of land, by certified letter and first-class letter, names to be taken from a bonded abstract company, which lie within three hundred (300) feet of the land for which the change or expansion of non-conforming use is requested of the time, date and place of the public hearing and the proposed change or expansion of non-conforming use

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79 Item B.5. deleted in its entirety by Ordinance 2253 – Adopted by June 24, 2019.

80 Amended by Ordinance 1411 – Adopted October 26, 1998; Amended by Ordinance 2253 – Adopted by June 24, 2019.

81 Amended by Ordinance 1428 – Adopted February 22, 1999; Amended by Ordinance 2253 – Adopted by June 24, 2019.
designation. All certified receipts and a copy of the letter shall be furnished to the Secretary of the Planning Commission at least five (5) business days prior to the public hearing. 82

2. The applicant shall procure signs from the Planning Department, City of Sherwood, for the purpose of posting the property proposed for a change or expansion of non-conforming use.
   a. The signs will be displayed on the property on a post or other suitable standard not less than fifteen (15) days prior to the date of the public hearing. Signs require a thirty dollar ($30.00) deposit, posted at the Planning Department.
   b. The signs shall be displayed within ten feet (10') of the property line.
   c. The signs shall be posted along the frontage abutting any street at an interval of one hundred feet (100').
   d. Properties with less than two hundred feet (200') street frontage shall be posted with at least one (1) sign along the frontage abutting each street.
   e. All such signs posted shall be maintained by the applicant to remain visible and readable until the conclusion of the subject public hearing, or to the conclusion of the Planning Commission meeting if an appeal over the Planning Commission decision concerning the expansion or change of a non-conforming use is made by the applicant. Subject signs shall be removed from the property by the applicant within five (5) days of the concluding action.
   f. Failure to post the required signs or to maintain the signs resulting in the property not being properly posted for three days out of the required time may result in a postponement of the public hearing or Planning Commission agenda item until such time full compliance with posting procedure is achieved.

3. The change or expansion of non-conforming use, as presented or modified by the action following the public hearing, shall be voted on by the Planning Commission.

D. Cessation of Non-Conforming Use

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

E. Replacement of Damaged or Destroyed Non-Conforming Use

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

Exceptions:

82 Amended by Ordinance 2181 – Adopted December 18, 2017.
1. If the non-conforming building can be restored or reconstructed to achieve conformity, i.e., meet minimum yard or height requirements of this Code, the owner/builder is encouraged to achieve conformity.

2. If the nature of the non-conformity is the use of the land or building the use shall not be changed after restoration to a use that is less compatible with the zone in which it is located. In no case shall a building or the use of a building or use of land be restored if said use or building has been declared by Jaw to be a public or private nuisance.

3. Mobile homes destroyed by fire, flood, explosion, wind, earthquakes, or other calamity or act of natural consequences shall be governed by Ordinance No. 645.  

Ordinance 645, adopted January 28, 1985 stipulates: Section 1 - Any mobile home and/or modular home that has been damaged by fire, wind or other hazards to such an extent that they are not safe and/or practical for occupancy shall be removed and the site cleared within ninety (90) days of said loss. Section 2 - Any person, firm or corporation found guilty of not complying with Section 1 shall be deemed guilty of a misdemeanor and fined not more than Two-Hundred Dollars ($200.) and not less than Fifty-Dollars ($50.) and each day that this ordinance is violated will constitute a separate offense.
CHAPTER 14.14. BOARD OF ZONING ADJUSTMENT

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

Pursuant to the requirements of State Law, a Board of Zoning Adjustment (the ‘Board’) is created and shall consist of five (5) members who are members 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. The Board shall meet a minimum of once each calendar quarter, but meetings may be called at any time. Meetings shall be held at such places in the City as the Board by-laws may require or the chairman may designate and shall be open to the public. Minutes of all proceedings shall be maintained and shall be on public record at the Department. The presence of at least three (3) members shall be necessary to constitute a quorum, and the concurring vote of at least three (3) members shall be necessary to make official any action by the Board.

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:

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.

84 Entire Chapter Amended by Ordinance 2253 – Adopted June 24, 2019.
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 1st 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 is of $50, no part of which shall be refundable.
B. The variance application deadline is the 1st business day of the month prior to the hearing.
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 & 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 ($50.00) dollars, nor more than five hundred ($500.00) dollars. Each day a violation shall occur shall be deemed a separate offense.85

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.

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85 Amended by Ordinance 1148 – Adopted February 28, 1994.
2. Action on Application

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

3. Contents of Certificates of Occupancy

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

a. Name of applicant.

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

c. Address of the property for which a Certificate is requested.

d. A legal description of the property, the zoning classification for the property, and a statement that the use of the property is allowed or permitted in the zoning classification for the property.

e. If a site plan or other conditional approval for the structure or the development of which such structure is a part was required, a copy of any document granting such approval and any plans approved in connection therewith.

f. Such other information as requested by the Enforcement Officer to insure conformance with applicable development regulations.

4. Temporary Certificates of Occupancy

A Temporary Certificate of Occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building. It may also be used for a transient use which, due to its nature, is not required to comply with permanent construction regulations. A Temporary Certificate of Occupancy shall be valid for a period not exceeding six (6) months. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of any other matter required by this section.
CHAPTER 14.16. LANDSCAPING

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 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; and
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.

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 reach a maximum height of not more than eighteen (18) inches and may be used in lieu of grass.

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

Landscape Type B: Screens that are opaque.

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 building or paved areas for vehicular circulation or parking.

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

Setback requirements: 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 site plan must be secured from the Sherwood City Engineer by any person, firm or corporation as part of compliance with applicable provisions in this ordinance.

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

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

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 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 PRD & PCD

E. Buffering: These provisions apply to different land uses abutting and separated by streets, right-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 buffer types:

<table>
<thead>
<tr>
<th>Table A</th>
<th>Buffering/Screening Dissimilar Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Zoning District or uses</strong></td>
<td><strong>Landscape Type</strong></td>
</tr>
<tr>
<td>1. Industrial (Principal Use or Zone)</td>
<td></td>
</tr>
<tr>
<td>Multi-Family</td>
<td>A</td>
</tr>
<tr>
<td>Single Family (Zone or Use)</td>
<td>A</td>
</tr>
<tr>
<td>2. Commercial (Principal Use or Zone)</td>
<td></td>
</tr>
<tr>
<td>Multi-Family</td>
<td>A</td>
</tr>
<tr>
<td>Single Family (Zone or Use)</td>
<td>B or A</td>
</tr>
<tr>
<td>3. Multi-Family (Principal Use or Zone)</td>
<td></td>
</tr>
<tr>
<td>Single-Family (Zone or Use)</td>
<td>B or A</td>
</tr>
</tbody>
</table>

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 Improvements 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 to be flexible; thus any person, firm or corporation may select plants not listed herein for landscaping and screening vehicular use areas, other than the right-of-ways, as long as plants substituted are able to withstand harsh weather conditions, comply with all other provisions of this 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:

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Evergreen Trees</td>
<td></td>
</tr>
<tr>
<td>Eriobotrya Japonica</td>
<td>Loquat</td>
</tr>
<tr>
<td>Ilex species</td>
<td>Evergreen Holly</td>
</tr>
<tr>
<td>Myrtus species</td>
<td>Wax Myrtle</td>
</tr>
<tr>
<td>Pinus species</td>
<td>Pine</td>
</tr>
<tr>
<td>Prunus caroliniana</td>
<td>Carolina Laurel Cherry</td>
</tr>
<tr>
<td>2. Deciduous and Flowering Deciduous Trees</td>
<td></td>
</tr>
<tr>
<td>Betula species</td>
<td>Birch</td>
</tr>
<tr>
<td>Cercis Canadensis</td>
<td>Red Bud</td>
</tr>
<tr>
<td>Crataegus species</td>
<td>Hawthorne</td>
</tr>
<tr>
<td>Cupressus species</td>
<td>Cypress</td>
</tr>
<tr>
<td>Ginkgo Biloba</td>
<td>Ginkgo</td>
</tr>
<tr>
<td>Gleditsia tricanthos 'inennis'</td>
<td>Thornless Honey Locust</td>
</tr>
<tr>
<td>Ilk decidua</td>
<td>Deciduous Holly</td>
</tr>
<tr>
<td>Koelreuteria paniculata</td>
<td>Goldenmin Tree</td>
</tr>
<tr>
<td>Magnolias soulangeana</td>
<td>Saucer Magnolia</td>
</tr>
<tr>
<td>Magnolia virginiana</td>
<td>Sweet Bay Magnolia</td>
</tr>
<tr>
<td>Prunus cerasifera 'antropupurea'</td>
<td>Purple Leaf Plum</td>
</tr>
<tr>
<td>Prunus serrulata 'quansant'</td>
<td>Quansant Cherry</td>
</tr>
<tr>
<td>Pryus Calleryana</td>
<td>Bradford Pear</td>
</tr>
<tr>
<td>Pistachia Chinensis</td>
<td>Pistachio</td>
</tr>
<tr>
<td>Quercus species</td>
<td>Oak</td>
</tr>
<tr>
<td>Sassafras albindum</td>
<td>Sassafras</td>
</tr>
<tr>
<td>Vitex species</td>
<td>Vitex</td>
</tr>
<tr>
<td>Lagerstroernia indica</td>
<td>Crape Myrtle</td>
</tr>
</tbody>
</table>
C. **Tree Species: Vehicular Use Areas** - All tree species listed in "Tree Species-Public Rights of Way" in addition to the tree species listed below may be used in vehicular use areas not in public rights-of-way.

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

D. **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.

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Covers</td>
<td>(The following ground covers may be used in all vehicular use areas, including public rights-of-way.)</td>
</tr>
<tr>
<td>Ajuga species</td>
<td>Ajuga</td>
</tr>
<tr>
<td>Gelsemium sempervireus</td>
<td>Carolina Jessamine</td>
</tr>
<tr>
<td>Hedera helix</td>
<td>English Ivy</td>
</tr>
<tr>
<td>Juniperus species (dwarf)</td>
<td>Juniper</td>
</tr>
<tr>
<td>Liriope muscari</td>
<td>Liriope</td>
</tr>
<tr>
<td>Ophiopogon species</td>
<td>Monkey grass</td>
</tr>
<tr>
<td>Pachysandra tenninalis</td>
<td>Pachysandra</td>
</tr>
<tr>
<td>Santolina species</td>
<td>Santoline</td>
</tr>
<tr>
<td>Sasas pygmaea</td>
<td>Dwarf Bamboo</td>
</tr>
</tbody>
</table>
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 irregular shaped lots, the Sherwood Planning Commission may grant a variance 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 drives. The maximum width of such drives shall be thirty (30) feet, and the minimum distance between such drives shall be forty (40) feet. Adjacent lot access drives, i.e., those drives connecting on vehicular use area to another, may be used to internalize traffic.

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

1. A landscaping strip(s) shall be located between the vehicular use area butting right-of-way. This strip(s) shall be at least six (6) feet in width beyond vehicular encroachment.

2. Concrete curbing or other approved material shall be provided around the base of 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 measured from adjacent vehicular use grade) shall extend the entire length of the landscaping strip(s). Breaks in the barrier may be incorporated for aesthetic or security purposes. 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 variance proposed in the minimums and maximums would not interfere with pedestrian and vehicular traffic safety.

4. One (1) shrub or vine for each five feet (5') of non-living durable barrier shall be planted between the barrier and the vehicular use area. These plants need not be spaced five feet (5') 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 foot (8') 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 percent (5%) of the interior of a vehicular use area shall be landscaped.

Planters shall be placed throughout the vehicular use area to provide maximum shading and visual relief. Each planter area shall contain at least eighty (80) square feet, or portion thereof, based on percentage calculations. Shrub, 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 yards 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 a variance 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 rights of way between the property line and the street curb line, with the approval of the City Engineer.

C. Any owner or occupant so desiring to landscape between the property line and the curb line shall apply to the Sherwood City Engineer for such purpose and the application shall contain a Landscape Plan. Upon 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 are interfering with public use of the right-of-way, or are causing physical injury to utilities or other improvements in the vicinity or are not being maintained in a neat, clean and attractive manner. In the event of any revocation, the owner or person occupying the adjacent premises shall remove any planting and shall restore the right-of-way to its condition at the sole expense of the owner or occupant and at no expense to the City of Sherwood.

E. Trees planted in the public right-of-way shall have no division of the trunk below seven (7) feet with the exception of multi-trunk species. The minimum vertical clearance of limbs shall be eight (8) feet and limbs, which overhang the street or are within eighteen (15) inches of the curb shall have a minimum vertical clearance of fourteen (14) feet. Saplings and other plant materials shall be so planted and maintained as to not create visibility or pedestrian obstructions until such time the above requirements can be met.

F. Sidewalk cuts for planting shall have a minimum area of twelve (12) square feet with one (1) horizontal dimension no less than thirty-six (36) inches nor more than forty (40) inches in width. The minimum distance from the back of the curb to the sidewalk cut (or planting areas) shall be thirty-six (36) inches. The tree shall be a minimum of ten (10) feet from a fire hydrant and four (4) feet from any water or gas cut-off valves, measured on center. The planting areas shall be landscaped with ground cover, river rock or metal grating.

G. Trees installed in the ground shall be a maximum of thirty (30) feet on center. Spacing of the trees may be varied, as long as the average spacing does not exceed thirty (30) feet.

H. There shall be a minimum unobstructed sidewalk of at least five (5) feet. Where the sidewalk (or pedestrian way) does not occupy the entire area (or is located adjacent to the property line) a minimum of five (5) feet pedestrian way shall be provided to remain unobstructed where appropriate.

I. In the event the design layout and plan contemplate the planting of trees above ground in planter boxes, said planter boxes shall be constructed of reinforced concrete or other suitable materials with similar durability. The Sherwood City Engineer shall approve the design, location and spacing of the planter box and material selection.

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 (4th) 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 percent (0%) to thirty percent (30%) grade requires vegetation with sod and/or ground cover.
   2. Thirty-one percent (31%) to forty percent (40%) grade requires vegetation with netting and ground cover either hydro seeded or in containers.
   3. Over forty percent (40%) 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 feet (8’) and on slopes steeper than one to one (1:1), a safety net or fence at four feet (4’) 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 feet (5’) 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 foot (6’) 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 feet (8’) 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 foot (5’) 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 exists and storm sewers located on public right-of-way abutting the property.
6. The locations, species and size of all existing isolated trees six inches (6") inches or more in caliper and the outline of all tree masses. Significant shrub masses, which are to be preserved, should be shown. Trees or tree masses to remain under the proposed development should be designated as such.
7. The location of all proposed plant materials. The botanical and common names, together with the quantity, spacing, and size of all such materials.
8. An exterior elevation and a wall section for any decorative screen indicated on the plan,
9. Existing and finished grade spot elevations and/or contour lines.
10. Irrigation plan with spray radii.

C. **Preservation of Existing Plant Material Requirements:** The preservation of existing plant material such as specimen trees should be incorporated into the development of landscape plans. In instances where such healthy plant material exists on a site prior to its development, the Sherwood Planning Commission may adjust the application of the above mentioned standards to allow credit for such plant material. Such an adjustment shall be in keeping with the intent of this 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. **Variance of Landscaping or Landscape Screening:** The Planning Commission shall review all requests for variance and shall make a determination of appropriateness unless specifically stated elsewhere for the Sherwood City Engineer.

### 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 he shall place, maintain and keep suitable and sufficient lights to warn of the obstructions and hazards, and an unobstructed passageway free of mud and debris shall be provided for pedestrians around the area with a minimum width of four (4) feet. If the passageway is located in the street property, it shall be constructed a minimum of four (4) inches above the pavement. The person doing such work under said permit shall and will indemnify and safe harmless the City of Sherwood from and against all actions and claims and against all costs, damages and expense to the City may be put by reason of any injury or alleged injury to any person or property resulting or alleged to result from, or to be occasioned by any act, negligence, carelessness or want of skill in connection with or in the conduct of any said work, or in guarding same, or from any improper methods, tools, implements or materials used in its execution, or by on account of any alleged act or omission whatever of the contractor or his agents, employees or servants; and the contractor, person, firm or corporation doing said work under the approval as herein provided for shall well and truly make payment of any and all sums so recovered against the City of Sherwood, Arkansas, in any suit or suits on account of such alleged injuries to which the City may be made a party, together with all such costs, damages and expenses as may be suffered of the City of Sherwood, Arkansas, all in such manner as to save the City whole and harmless from such actions or claims.

C. The owner/occupant, upon written notice of any city agent or public utility, shall remove or relocate or cause to be removed or relocated any planters above ground within forty-eight (48) hours of such notice for the maintenance of existing facilities or construction of new facilities. In the case of any emergency as deemed by the city agency or public utility, the planters shall be removed immediately by whatever means available. No city agency or public utility will be liable for any damage of any planting located within the street right-of-way; nor cost of moving planters.

D. During the course of construction and planting, excess and waste materials shall be continuously and promptly removed and all reasonable precautions taken to avoid damage to existing structures, plants and grass. When all work is completed, the contractor shall leave the site in a neat, clean appearing condition.

E. Certification of Compliance Required upon Completion of Improvements - Upon completion of improvements, the Sherwood Planning and Permit Department shall inspect the vehicular use area for compliance with the approved landscape or screening plan and other requirements of this 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, disease and/or damage shall be appropriately treated and dead plant materials shall be replaced.
B. The property owner of land abutting a constructed public right-of-way area between his property line and the curb line shall be required to regularly weed, mow, prune and maintain planting in compliance with good horticultural practices.

C. If the owner neglects or refuses to remove, abate or eliminate any such condition or conditions as are provided for in this chapter, after having been given ten (10) days notice in writing to do so, the owner is subject to penalties of fifteen ($15.00) dollars per day.

D. All landscaping or screening shall be maintained in a neat and orderly manner. All plants that die shall be replaced or substituted with plants of similar variety and size. Fencing and other non-plant landscaping improvements shall be maintained in as close to installation conditions as possible.

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 percent (50%) 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 ($15.00) dollars, plus court costs, for each day said violation continues.


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

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

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

Apartment: See Dwelling, Multiple.

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

Auto Repair Garage: A building designed 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).\(^7\)

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

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

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

Building: See Structure

\(^7\) Amended by Ordinance 1149 – Adopted February 28, 1994
Building Attached: A building which shares a continuous wall, roof; floor or other structural element with another adjacent building.

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

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

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

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


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. 88

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.

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 for or occupied by more than two families.

88 Added by Ordinance 2213, Adopted September 24, 2018
Dwelling Single Family Detached: A dwelling designed for and occupied by not more than one family. A Dwelling, Single Family detached, shall not be construed to be a Manufactured Home. A definition of Manufactured Home is provided in alphabetical order in this Definition section. The following types of structures may be construed to be Dwellings, Single Family Detached.

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

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

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

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

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

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

Family: In addition to customary domestic servants, either

a. an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or
b. a group of not more than four persons who are not related by blood, marriage or adoption, living together as a common household in a dwelling unit; or

c. a group of not more than eight unrelated mentally disabled or physically handicapped persons which may include two additional persons, acting as house parents or guardians who need not be related to each other, or to any of the mentally 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.

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

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

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

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

Floor Area: The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.
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 a 800 square foot footprint shall be expressed as 1600 square feet.  

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: Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade, no outside storage of equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupations. Such uses as tearoom, tourist home, animal hospital and dancing school shall not be deemed to be home occupations.

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

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

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

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

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot and the midpoint of the rear lot line.

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

Lot Interior: A lot other than a corner lot.

Lot Line Front: The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating such lot from such street; in the case of a double frontage lot or a corner lot, the front lot line shall abut the street with the highest classification. If streets are of equal classification, the more narrow lot line shall be designated as the front. If the proper front lot line cannot be determined according to the above requirements, the city engineer shall determine the front lot line.

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

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

Lot Lines: The property boundary lines.

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

89 Added by Ordinance 2213 - Adopted September 24, 2018
90 Amended by Ordinance 934 – Adopted July 23, 2017
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 fifty (950) square feet of heated or cooled floor area.

Manufactured Home (Class B): A dwelling unit fabricated on or after June 15, 1976, at a site other than the site intended for occupancy and transported to the site for occupancy and

   a. designed for full-time occupancy, containing sleeping accommodations, flush toilet, tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to exterior systems;
   
   b. the unit shall bear a seal certifying that it is built in compliance with the Federal Manufactured Housing and Safety Standards Code; (c) have a minimum heated and cooled floor area of seven hundred twenty (720) square feet.

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

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.91

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 14.10 of this Code.

Pipe Stem Lots: Pipe stem lots shall have a minimum lot width of twenty feet at the street frontage. The building setback lines shall include a minimum width of sixty feet for the front building line while the rear setback line shall be twenty-five feet and the side yard setbacks shall be calculated as described by ordinance. Pipe stem lots with frontage less than sixty feet at the street shall be responsible for access 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.92

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

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

91 Amended by Ordinance 1513 – Adopted January 22, 2001
92 Amended by Ordinance 1568 – Adopted January 28, 2002
A preliminary plan is prepared by a registered land surveyor, architect or engineer. A preliminary plan further includes all development phase lines providing construction stages, topography, drainage or other natural land features.

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

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

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

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

**Recreational Vehicle:** Motorized dwellings, travel trailers, camper trailers, tent trailers, boats, boat trailers, recreational equipment trailers, utility trailers, and the like, whether used for recreational purposes or not.  

**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 establishment containing group living or sleeping accommodations; or

c. Nurses residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facility uses.

**Restaurant:** An establishment whose principal business is the selling of unpacked food to the customer in a ready to consume state and where the customer consumes these foods while seated at tables or counters located within buildings. A pick-up window may also be included with a Restaurant. However, no outdoor menu board larger than 2' X 3' or external speakers may be provided.

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

**Restaurant Fast-Food:** An establishment that offers quick food service, which is generally accomplished through a limited menu of items already prepared or which may be quickly prepared.
Orders are not generally taken at the customer's table and food is generally served in a disposable wrapping or container.95

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

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

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

Security Personnel Living Quarters: One on-site single family unit used for the sole purpose of providing living quarters for security personnel. The size and location of the living area shall be approved by the Planning Commission at the time of conditional use approval. This conditional use is limited to only those uses in commercial or industrial zones which have outdoor storage or display. One on site single family unit used for the purpose of providing living quarters for security personnel shall be permitted by right in mini-storage facilities.96

Site Plan Review: The process whereby the Planning Commission reviews the site plans and maps of a developer to assure that they meet that 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 predominately are not pre-assembled. The dwelling shall have the following characteristics: (a) meet or exceed the building codes of the city; and (b) shall require the construction of a foundation or footings at the site for occupancy.

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

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

Structure: Anything constructed or erected or installed by man, the use of which requires more or less permanent 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.

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

This style of housing may be owned fee simple, rented as apartments, or be in condominium ownership. Designs of Townhouses have come a long way from the urban row houses of the early twentieth century. They served a need for living near the city center but soon became obsolete. But townhouses did not stay in town long. During the 1960's, townhouses moved further out into the suburbs, young families found them a solution to their housing problems, and site plans and design

95 Amended by Ordinance 1388 – Adopted by April 27, 1998

96 Amended by Ordinance 2004 – October 28, 2013
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.\(^97\)

**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 court house):** 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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\(^97\) Amended by Ordinance 1841 – September 28, 2009.
CHAPTER 14.01. PURPOSE, AUTHORITY AND JURISDICTION .............................................. 2
14.01.01. Title ....................................................................................................................... 2
14.01.02. Purpose .................................................................................................................. 2
14.01.03. Authority ............................................................................................................... 2
14.01.04. Jurisdiction ......................................................................................................... 2
14.01.05. Validity ................................................................................................................ 2

CHAPTER 14.02. GENERAL PROVISIONS .................................................................... 3
14.02.01. Interpretations ........................................................................................................ 3
14.02.02. Establishment of Zoning Districts ................................................................. 4
14.02.03. Zoning Districts Map .......................................................................................... 4
14.02.04. Zoning District Boundaries ............................................................................. 4
14.02.05. Interpretation of Zoning District Boundaries ................................................. 5
14.02.06. Zoning of Newly Annexed Areas .................................................................. 5
14.02.07. Existing Lots of Record 
A. May be Used as a Building Site ................................................................................. 5
B. Side Yard Requirements ............................................................................................... 5
14.02.08. Height Exceptions ............................................................................................... 6
14.02.09. Amendments ...................................................................................................... 7
14.02.10. Conditional Use Permits .................................................................................... 8
14.02.11. Site Plan Review ................................................................................................ 11

CHAPTER 14.03. OPEN SPACE DISTRICTS .............................................................. 16
14.03.01. Purpose and Intent .............................................................................................. 16
14.03.02. Preservation of Open Space ............................................................................. 16
14.03.03. Development Criteria ....................................................................................... 17
14.03.04. Conditional Uses ............................................................................................... 17
14.03.05. Area ................................................................................................................... 17

CHAPTER 14.04. RESIDENTIAL ZONING DISTRICTS .......................................... 18
14.04.01. Single Family Residential District (R-1) ......................................................... 18
14.04.02. Multi-Family Residential Districts (R-2) ......................................................... 20
14.04.03. Multi-Family Residential (R-3) ....................................................................... 22
14.04.04. R-4 Manufactured Housing Districts ("Class A") ........................................... 23
14.04.05. MHP Manufactured Home Park District ........................................................ 25

CHAPTER 14.05. COMMERCIAL ZONING DISTRICTS .......................................... 28
14.05.01. General Information ......................................................................................... 28
14.05.02. General Commercial Zoning District Restrictions ........................................ 28
14.05.03. Neighborhood Commercial District (C-1) ...................................................... 29
14.05.04. Light Commercial District (C-2) .................................................................... 31
14.05.05. Shopping Center District (C-SC) ................................................................... 32
14.05.06. General Commercial District (C-3) ................................................................. 34
14.05.07. Highway Commercial and Open Display District (C-4) .................................... 35

CHAPTER 14.06. OFFICE DISTRICTS ........................................................................ 37
14.06.01. General Statement of Purpose ........................................................................ 37
14.06.02. District Subdivisions ......................................................................................... 37
14.06.03. District Restrictions .......................................................................................... 37
CHAPTER 14.08: PLANNED UNIT DEVELOPMENTS (PUD) ........................................... 44
14.08.01: Purpose and General Provisions ............................................................. 44
14.08.02: Minimum Size and Use Criteria ............................................................... 44
14.08.03: Development Standards ........................................................................... 44
14.08.04: Review and Approval Types ....................................................................... 48
   A. Zoning Plan Review and Approval ................................................................. 48
14.08.05: Zoning Plan Review and Approval Procedure ......................................... 48
   A. Pre-application Conference ........................................................................... 48
   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 ......................................................................................... 48
   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 ........................................................................ 48
14.08.06: Final Development Plan Review and Approval Procedure ...................... 49
14.08.07: Application Requirements ....................................................................... 50
14.08.08: Modifications ......................................................................................... 52
14.08.09: Revocation .............................................................................................. 53
CHAPTER 14.09. OVERLAY DISTRICTS ................................................................. 54
   Sections: ........................................................................................................... 54
14.09.01 General Purpose and Intent ....................................................................... 54
14.09.02 Air Installation Compatible Use Zone Overlay District (AICUZOD) ............... 54
CHAPTER 14.10. SPECIAL PROVISIONS AND USE STANDARDS ....................... 57
   Sections: ........................................................................................................... 57
14.10.01 Decks ...................................................................................................... 57
14.10.02 Fences and Screens .................................................................................. 57
14.10.03 Mini-Storage Facilities ............................................................................. 58
14.10.04 Storage of Flammable Liquids and Gases ............................................... 59
14.10.05 Home Occupations .................................................................................. 59
14.10.06 Camping or Vacation Trailers ................................................................. 59
14.10.07 Vending Machines ................................................................................... 60
14.10.08 Sexually Oriented Businesses .................................................................. 60
14.10.09 Accessory Buildings in Residential Districts ........................................... 63
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.10.10</td>
<td>Exterior wall surfaces</td>
<td>64</td>
</tr>
<tr>
<td>14.10.11</td>
<td>Signs, Sign Structures and Billboards</td>
<td>66</td>
</tr>
<tr>
<td>14.10.12</td>
<td>Driveway Paving Standards</td>
<td>66</td>
</tr>
<tr>
<td>14.10.13</td>
<td>Schedule of Uses</td>
<td>67</td>
</tr>
<tr>
<td>CHAPTER 14.11</td>
<td>RESERVED</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Sections:</td>
<td>75</td>
</tr>
<tr>
<td>14.11.01</td>
<td>Reserved</td>
<td>75</td>
</tr>
<tr>
<td>CHAPTER 14.12</td>
<td>OFF-STREET PARKING AND LOADING</td>
<td>76</td>
</tr>
<tr>
<td></td>
<td>Sections:</td>
<td>76</td>
</tr>
<tr>
<td>14.12.01</td>
<td>Off-Street Parking Space Requirements</td>
<td>76</td>
</tr>
<tr>
<td>14.12.02</td>
<td>Special Location or Sharing of Same Off-Street Parking Space</td>
<td>77</td>
</tr>
<tr>
<td>14.12.03</td>
<td>Amount of Off-Street Parking Space Required</td>
<td>78</td>
</tr>
<tr>
<td>14.12.04</td>
<td>Off-Street Loading</td>
<td>82</td>
</tr>
<tr>
<td>CHAPTER 14.13</td>
<td>NONCONFORMING USES AND STRUCTURES</td>
<td>84</td>
</tr>
<tr>
<td></td>
<td>Sections:</td>
<td>84</td>
</tr>
<tr>
<td>14.13.01</td>
<td>Non-Conforming Uses</td>
<td>84</td>
</tr>
<tr>
<td>CHAPTER 14.14</td>
<td>BOARD OF ZONING ADJUSTMENT</td>
<td>87</td>
</tr>
<tr>
<td></td>
<td>Sections:</td>
<td>87</td>
</tr>
<tr>
<td>14.14.01</td>
<td>Creation</td>
<td>87</td>
</tr>
<tr>
<td>14.14.02</td>
<td>Organization and Meeting Requirements</td>
<td>87</td>
</tr>
<tr>
<td>14.14.03</td>
<td>Functions of the Board</td>
<td>87</td>
</tr>
<tr>
<td>14.14.04</td>
<td>Application for Appeal</td>
<td>88</td>
</tr>
<tr>
<td>14.14.05</td>
<td>Application for Variance</td>
<td>88</td>
</tr>
<tr>
<td>14.14.06</td>
<td>Posting of Signs</td>
<td>89</td>
</tr>
<tr>
<td>14.14.07</td>
<td>Enforcement and further Appeal</td>
<td>89</td>
</tr>
<tr>
<td>CHAPTER 14.15</td>
<td>ADMINISTRATION AND ENFORCEMENT</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Sections:</td>
<td>90</td>
</tr>
<tr>
<td>14.15.01</td>
<td>Enforcement Officer(s)</td>
<td>90</td>
</tr>
<tr>
<td>14.15.02</td>
<td>Building Permit</td>
<td>90</td>
</tr>
<tr>
<td>14.15.03</td>
<td>Fee</td>
<td>90</td>
</tr>
<tr>
<td>14.15.04</td>
<td>Penalty for Violation</td>
<td>90</td>
</tr>
<tr>
<td>14.15.05</td>
<td>Certificate of Occupancy</td>
<td>90</td>
</tr>
<tr>
<td>CHAPTER 14.16</td>
<td>LANDSCAPING</td>
<td>92</td>
</tr>
<tr>
<td></td>
<td>Sections:</td>
<td>92</td>
</tr>
<tr>
<td>14.16.01</td>
<td>Purpose and Intent</td>
<td>92</td>
</tr>
<tr>
<td>14.16.02</td>
<td>Definitions</td>
<td>92</td>
</tr>
<tr>
<td>14.16.03</td>
<td>Scope</td>
<td>94</td>
</tr>
<tr>
<td>14.16.04</td>
<td>Exemptions</td>
<td>95</td>
</tr>
<tr>
<td>14.16.05</td>
<td>Plant Material Selection Requirements</td>
<td>95</td>
</tr>
<tr>
<td>14.16.06</td>
<td>Landscape Requirements for Vehicular Use Areas</td>
<td>96</td>
</tr>
<tr>
<td>14.16.07</td>
<td>Additional Landscape Requirements for Public Rights of Way</td>
<td>98</td>
</tr>
<tr>
<td>14.16.08</td>
<td>Landscape Requirements for Buffering and Screening</td>
<td>99</td>
</tr>
</tbody>
</table>
14.16.09. Procedure .......................................................................................................................................... 100
14.16.10. Installation Requirements .................................................................................................................. 101
14.16.11. Maintenance ...................................................................................................................................... 102
14.16.12. Enforcement ...................................................................................................................................... 103
14.16.13. Penalty ................................................................................................................................................ 103
14.16.14. Right to Appeal .................................................................................................................................. 103

CHAPTER 14.17. DEFINITIONS ......................................................................................................................... 104

Sections:............................................................................................................................................................ 104

14.17.01 Purpose and Intent ............................................................................................................................... 104
14.17.02 Definition of Terms ............................................................................................................................. 104