

## **TITLE 15**

### **SUBDIVISION REGULATIONS**

#### **Chapters:**

- 15.04 Subdivision Regulations Adopted By Reference
- 15.08 Amendment to the Land Development Regulations Adopted By Reference
- 15.12 Land Use Map
- 15.16 Improvement Districts
- 15.20 Overlay District

#### **CHAPTER 15.04**

##### **ADOPTED BY REFERENCE**

#### **Sections:**

- 15.04.01 Adopted by reference
- 15.04.02 Amendments to subdivision regulations

15.04.01 Adopted by reference. The city of Sherwood, Arkansas, hereby approves and adopts by reference Subdivision Regulations and subsequent amendments, after public hearing duly held thereon, following notice of such hearing as required by law, said regulations consisting of the text and other materials, of which regulations not less than three (3) copies have been and are now filed in the office of the Clerk/Treasurer and from the date on which the regulations shall take effect the provisions thereof shall be controlling within the limits of said city. (Ord. No. 445, 1980.)

15.04.02 Amendments to subdivision regulations Ordinance Number 445, the same being the subdivision regulations for the city of Sherwood, Arkansas, is amended by the following Ordinances:

- Ord. No. 475 - Adequate storm drainage and street lighting
- Ord. No. 528 - Planning Commission shall approve amendments to bills of assurance.
- Ord. No. 849 - Building lines side yard setback
- Ord. No. 917 - Replats of single family residential subdivision.
- Ord. No. 991 - Sidewalks; cul-de-sacs.

- Ord. No. 1047 - Addition of enforcement section (Exhibit A)
- Ord. No. 1011 - Developer must post maintenance bond for 24 month period following acceptance for all improvements in any development.
- Ord. No. 1128 - Driveway access to Class IV local streets - single family residential developments.
- Ord. No. 1160 - Plat note indicating direction and linear feet - required - indicating water lines, etc.
- Ord. No. 1179 - Sidewalks required on each side of Class VI local streets.
- Ord. No. 1241 - All access easements required to meet or exceed all construction standards of publicly dedicated street - required width recommended by City Engineer - approved by Planning Commission.
- Ord. No. 1486 - Divisions or platting of land is subject to this ordinance.
- Ord. No. 1488 - Front yard building lines at least 45 feet from street right-of-way.  
25 foot street side yard setback on commercial lots at street intersections.
- Ord. No. 1489 - Final plat approval authority goes to City Engineer.  
Amendments to Ord. 445 - review of Final Plat; submission for certification.
- Ord. No. 1824 – Modify design requirements for East Woodruff Ave.
- Ord. No. 1825 – Modify design requirements for Maryland Ave.
- Ord. No. 1826 - Modify design requirements for Oakdale Road

**CHAPTER 15.08****AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS**Sections:

- 15.08.01 Amendments adopted by reference  
 15.08.02 Additional amendments

15.08.01 Amendments adopted by reference The city of Sherwood, Arkansas, hereby approves and adopts by reference the Amendments to the Land Development Regulations and subsequent amendments, after public hearing duly held thereon, following notice of such hearing as required by law, said regulations consisting of the text and other materials, of which regulations not less than three (3) copies have been and are now filed in the office of the Clerk/Treasurer. (Ord. No. 1492)

15.08.02 Additional amendments

**Ord. No. 1822** Section 8, 1A3 Required Improvements  
 is hereby amended to read: Construction Plans shall show the location of all sidewalks. Installation shall be in accordance with these plans.

**CHAPTER 15.12****LAND USE MAP**Sections:

- 15.12.01 Amendment adopted by reference

15.12.01 Amendment adopted by reference

- A. The Land Use Map adopted by Ord. No. 955 is hereby amended in accordance with the Land Use Map attached hereto marked Exhibit A and incorporated herein by reference. (Ord. No. 1636, Sec. 2.)
- B. The Land Use Map adopted by Ord. No. 955 is hereby amended in accordance with the Land Use Map attached hereto marked Exhibit A and incorporated herein by reference. (Ord. No. 1715, Sec. 1.)
- C. The amended Land Use Map that incorporates the Gravel Ridge annexed territory attached hereto as Exhibit "A" is adopted and approved. The city's previously adopted Land Use Map is amended to include the changes as set forth herein. (Ord. No. 1804, Secs. 1-2.)

**CHAPTER 15.16**

**IMPROVEMENT DISTRICTS**

Sections:

15.16.01 Austin Gardens

15.16.02 Commissioners

15.16.01 Austin Gardens There is hereby established an improvement district embracing the following real property in the city of Sherwood, County of Pulaski, state of Arkansas to wit:

The south half of part of the SW ¼ NW ¼ of Section 33, Township 3 North, Range 11 West.

for the following purposes:

- A. To acquire by purchase (by contractor eminent domain) or gift, or to construct, either within or without the boundaries of the district, if the property within the district will be benefited thereby, a sanitary waterworks distribution system including a source, treatment and distribution system, and all other appurtenances necessary or useful and convenient for the operation and maintenance of such system, including the rights-of-way essential thereto, within and outside the boundaries of the district; and, to construct such other improvements, directly or indirectly connected therewith, as may be required by the city of Sherwood or other municipality or the County of Pulaski and other governmental authorities as prerequisites or conditions to lawfully and properly completing the intents and purposes of the district, and;

If deemed advisable and in accordance with applicable laws, to have the right, but not an obligation, to connect the system to the waterworks system of the city of Sherwood, or other municipality, association or improvement district by the acquisition or construction of proper water lines, either within or without the boundaries of the district, if a reasonable and realistic opportunity to do so should develop and if the property within the district will be benefited thereby; and

To operate and maintain any such waterworks system and facilities.

- B. To acquire by purchase (by contract or eminent domain) or gift and to construct, operate, supervise, maintain, secure and replace within the outside the district recreational, common and private limited common areas and facilities related

thereto, including, but not limited to, green areas, landscaped areas, district lighting improvements, street lighting improvements, playground facilities, lakes, ponds, water ways, detention areas or other wet area construction, swimming pools and tennis courts, as the Board of Commissioners should subsequently decide, along with access easements thereto, and other improvements necessary or desirable to enhance the use and benefits of such areas and beyond the boundaries of the district, if necessary, to cause the construction within the district to obtain its desired effect; and

To operate and maintain any such improvements and facilities.

- C. To open, grade, drain, pave, curb, gutter, construct electric privacy gate and otherwise construct or improve streets, roads and highways and laying sidewalks, either within or without the boundaries of the district if the property within the district will be benefited thereby; and

To operate and maintain any such improvements and facilities.

- D. To accomplish any and all other purposes authorized by law, specifically including but not limited to those intents and purposes states in A.C.A. 14-94-101 et seq., but not including sewer district purposes. (Ord. No. 1722, Sec. 1.)

15.16.02 Commissioners The district shall be known as “Austin Gardens Municipal Multi-Purpose Property Owners’ Improvement District No. 1 of Sherwood, Arkansas;” and Randy Wiggins, Marian Botsford and Mike Marlar, who are, or shall be, owners of real property within the district, are hereby named commissioners and shall compose the Board of Commissioners for the district and may proceed with the district’s affairs as authorized by law and set forth in the petition filed in request of this ordinance. (Ord. No. 1722, Sec. 2.)

## **CHAPTER 15.20**

### **OVERLAY DISTRICTS**

#### Sections:

15.20.01	Applicability and definitions
15.20.02	Purpose and creation
15.20.03	Population and development density
15.20.04	Building and construction provisions

- 15.20.05 Condition, permissible, prohibitive and restrictive uses
- 15.20.06 Enforcement
- 15.20.07 Penalties

15.20.01 Applicability and definitions

- A. Unless otherwise restricted by applicable regulations, ordinances, laws, or legislative action, the provisions of this ordinance shall apply to the future development and the use of all real property and Airfield Control Surfaces lying within the city of Sherwood Planning Jurisdiction, more particularly identified as the Clear Zone, and Accident potential Zones One and Two (APZ I & II) on the attached AICUZ Map and Land Use Charts and as more particularly described and shown on Exhibit A, attached hereto and made a part hereof. This application will include those properties lying within and outside of the corporate limits of the city of Sherwood, as authorized under Arkansas law (A.C.A. 14-56-201 et al., 14-56-301 et al., 14-56-401, et al., and 14-56-413(a)(1)(A)). However, no conditions and/or uses of real property, including, but not limited to, existing recorded subdivision developments within the Overlay District (OD) in the existence at the time of passage of this ordinance shall be construed as a violation of the terms of this 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).

**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.

**Low density** Use of or a condition upon which there exists a small number of residents per property acre in accordance with recommendations of the AICUZ study.

**Low intensity** Use of or a condition upon which there exists 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.

**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). (Ord. No. 1744, Sec. 1.)

15.20.02 Purpose and creation The purpose of this ordinance shall be to

- A. comply with Arkansas law (Act 530 or 1995);
- B. create an Overlay District (OD) within the classifications and designations of zoning provisions within Sherwood;
- C. provide for 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);
- D. address environmental concerns created by violations of OD provisions; and,
- E. preserve and enhance the economic value of the property within the OD.  
(Ord. No. 1744, Sec. 2.)

5.20.03 Population and development density Construction and/or development of residential housing in the affected areas of the OD 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 PZ II. Future use of properties within the OD shall be reviewed for population density concerns to insure the provisions as outlined herein, under the terms of the Sherwood ordinance, or under the non-conflicting guidelines of the AICUZ study. (Ord. No. 1744, Sec. 3.)

5.20.04 Building and construction provisions Construction and/or development of any facilities 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, APA I, and APZ II. (Ord. No. 1744, Sec. 4.)

5.20.05 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 Planning jurisdiction, the Clear Zone, APA I, and APZ II, as shown on the attached Exhibit A:

- A. 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 OD (i.e., steam, dust, smoke, etc.):
- B. 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 OD;

- C. No use shall allow the production of electrical emissions that would cause a hazardous interference with aircraft communications or navigational equipment/systems;
- D. 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 OD;
- E. No use shall allow for the construction or existence of structures within ten feet (10') of an aircraft approach/departure surface;
- F. No use shall allow for exposure of any person(s) to a noise level greater than DNL 65 db; and,
- G. 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 OD.

For the purpose of this ordinance, these restrictive or prohibitive uses are to apply to all residential and non-residential properties located within the OD. Such regulations and standards shall be in addition to and shall overlay all other ordinance regulations and standard, including but not limited to residential and non-residential zoning provisions, planning provisions, and signage regulations and standards. Please refer to the attached Matrix (incorporated herein for the OD for more detail in the applicable regulations and standards.

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 OD 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 OD that use shall not constitute a violation of the terms of this ordinance. (Ord. No. 1744, Sec. 5.)

15.20.06 Enforcement The provisions of this ordinance 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 ordinance addressed in the Sherwood District Court.

Further, the Sherwood City Clerk shall cause to be filed with the Pulaski County Clerk, Read Estate Division, a certified copy of this ordinance. Said filing shall serve as official notice to all current and future property owners, title insurance officials, mortgage company officials, and other interested parties of the permissive and restrictive uses and provisions contained herein. (Ord. No. 1744, Sec. 6.)

15.20.07 Penalties In the event a property owner(s), agent(s), or lessee(s) pleads or is found guilty/nolo contendere of a violation of the terms of this ordinance, the violator shall be assessed a fine of no less than Twenty-Five Dollars (\$25.00) and court costs 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 costs for a third or subsequent offense(s). Each day a condition prohibited by the terms of this ordinance exists shall constitute a separate violation. (Ord. No. 1744, Sec. 7.)

