

Ordinance No. 2021-01

**AN ORDINANCE TO AMEND ZONING CODE (2017-06A) AND FOR OTHER PURPOSES**

**COMMERCIAL PROPERTY ADJACENT TO RESIDENTIAL PROPERTY AND ALONG  
HIGHWAYS 175, 62/412, AND 289**

WHEREAS, THE CITY OF CHEROKEE VILLAGE, ARKANSAS desires to encourage the development of visually attractive property; and

WHEREAS, the city desires to promote appropriate aesthetic and functional design considerations to protect and enhance property values; and

WHEREAS, the city desires to mitigate the effects of development through enhanced design; and

WHEREAS, the city desires to promote the development of commercial property in a vibrant and economically efficient manner that will contribute to the economic base of the community;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE THAT:

**SECTION 1**

Sections 14, 15, and 16 of the Zoning Code are hereby amended by inserting a new subsection F to read as follows:

F. Commercial property adjacent to residential property and along Highways 175, 62/412, and 289

1. All service areas such as trash containers (dumpsters), fuel tanks, above-ground fuel tanks, mechanical equipment, and material storage areas shall be enclosed with a solid fence or shrubbery to the height of six (6) feet. There shall be a solid six (6) foot high fence between a commercial lot and any adjacent residential lot.

2. Off-street parking areas shall include landscape medians, beds, islands or planting areas. Every 12 parking spaces are to be separated by a landscape area. These landscape parking areas shall have either an ornamental tree or a minimum of two (2) evergreen shrubs or appropriate approved landscape planted therein.

3. Existing trees within ten (10) feet of the residential property line and within ten (10) feet of adjacent Highway 175 right of way shall remain and be protected during construction of any building except at the location of vehicle entrances. Damaged or diseased trees and trees four

(4) inches in diameter or less within this buffer area may be removed. Remaining trees may have their canopy raised by removing limbs up to a height of ten (10) feet.

4. Signage for commercial property located on Highway 175 shall conform to the signage ordinance and be subject to approval by the Planning and Zoning Commission. Any lighted signage shall be controlled so that lighting may be turned off at the close of the business day.

5. Exterior building materials on the front and sides of building elevations must consist of forty percent (40%) of either native stone, culture stone, brick, or wood material. Roofs on the front and sides of the building shall be asphalt shingles, metal shingles, or standing seam material. All materials must comply with the city building code and are subject to inspection and approval by the city.

6. Exterior building mounted lighting shall shine downward. Site pole mounted lighting shall be a maximum height of sixteen (16) feet and lighting shall shine downward and inward and not onto adjacent property.

7. All parking and service areas shall comply with the current city building code and are subject to inspection and approval by the city.

8. Prior to the issuance of a building permit and before construction may begin, the property owner shall submit for review and approval by the city complete design drawings, including a site plan showing details of parking, sidewalks, driveway entrances and exits, landscape areas, signage, utility service areas, roof, and water drainage control for the property.

## SECTION 2

### SEVERABILITY:

If any section of this ordinance is held to be invalid, that part shall be deemed severable and the invalidity thereof shall not affect the remaining sections of the Ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS

Date: 5/20/2021

Approved: Russell Stokes, Jr.  
Russell Stokes, Jr., Mayor

Attest: Deborah Weichinger  
Deborah Weichinger, City Clerk