

ORDINANCE NO. 2017-04

**AN ORDINANCE TO ADOPT A ZONING CODE BY REFERENCE,
AND FOR OTHER PURPOSES.**

WHEREAS, cities of the first and second class and incorporated communities have the power under Arkansas law to adopt and enforce plans for the coordinated, adjusted, and harmonious development of the municipality and its environs, and:

WHEREAS, the City of Cherokee Village has grown, both in population and in the diversity and size of its economy over the years, and;

WHEREAS, the City of Cherokee Village has undergone an extensive study of the need and the necessity for a revised Zoning Code and

WHEREAS, the Cherokee Village Planning Commission adopted a revised Zoning Code after holding a duly authorized public hearing and forwarded it to the City Council for consideration, and;

WHEREAS, copies of the revised Zoning Code were ordered, and were filed in the office of the City Clerk of the City of Cherokee Village for inspection and view by the public prior to the passage of this Code, and;

WHEREAS, The municipality forthwith gave notice to the public, by publication in a newspaper with general circulation within the municipality, stating that copies of the Code are and have been open to public inspection in the office of the City Clerk prior to the passage of the Code adopted by reference as aforesaid.

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

Section 1: That the revised Zoning Code is hereby adopted by reference as the Official Zoning Code of and for the City of Cherokee Village, Arkansas, pursuant to A.C.A. §14-55-207.

Section 2: That any Code or Ordinance in conflict with this Code is hereby repealed.

PASSED AND ADOPTED on this the 20 day of July, 2017.

Russell Stokes, Jr.
Russell Stokes, Jr., Mayor

Attest: Deborah Weichinger
Deborah Weichinger, City Clerk

Subject: Changes to Proposed Zoning/Building Codes Document

To: P & Z Office

From: Mayor

Date: 2/10/17

The following are revisions to the proposed changes in the city's Zoning Regulations as recommended by the City Council at their working meeting on Thursday, Feb. 9th:

1. P. 15, Section 3 Definitions: Add the following definition—**Principal Building/Residence** Is the main building on a lot designed for the inhabitant(s) as a residence or the main building from which business is conducted and records stored. Any other building structure on a lot is defined as an accessory building, e.g. detached garage, storage shed, pool house, gazebo, etc.
2. P. 21, H 1. b.: Driveway construction shall be in accord with the rules of the City of Cherokee Village and adhere to AHTD procedures when the driveway accesses a state controlled road or highway.
3. P. 21, H 3. b.: Drainage ditches shall not be altered or impeded when such ditch is located on existing city right of way. If a culvert pipe is required it will have a minimum diameter of eighteen inches.
4. P. 25, B. 1.: Height.: Buildings or structures shall not exceed two and one-half stories or thirty-five feet in height except that on lots having a natural slope, a full three stories may be exposed above grade on the downhill side.
5. P. 27, Section 8. District R-1 Standard Single-Family Residential District A. PERMITTED USES: In District R-1 no metal or prefabricated carports are allowed; carports must meet the building code, use roof trusses, and the roof color must match the house roof color.
6. P. 45, Section 19 ACCESSORY USES 3 GARAGES AND CARPORTS: For District R-1 single-family dwelling units there shall be provided not less than two off street parking spaces, not less than one being in the form of a private garage or covered carport.
7. P. 46, 5 STORAGE BUILDINGS: On a single residential lot where a residence is located one building or shed, not exceeding twelve feet by twenty feet (12'x20') in dimension and not exceeding ten feet in height may be located in the rear yard or side yard, but not forward of either front corner of the residence, for purposes of storage but not for residential use. A storage building shall be in harmony with the residence in siding, roofing, style, and color. Metal storage buildings are permitted provided that the color of siding and roofing match that of the residence, as well as roof pitch, and that the gauge of metal shall be twenty-nine or stronger. All storage buildings must be set level on a concrete foundation, concrete pad, and skirted to ground level. If concrete blocks are used for leveling, a pier style construction manner must be used with approved eighteen inch by eighteen inch by four inch (18"x18"x4") footings and tie downs.
8. P. 47 K. FENCES: Notwithstanding the above, for lots bordering on golf courses or lakes, any fences used within fifty feet of such border shall be on an open picket type fence or black, brown, dark green vinyl coated chain link fence and no more than forty eight inches in height.

9. P. 48, SECTION 20 SIGNS G.: In any district, one sign per contractor during the time that construction is occurring on a property and which shall be removed upon completion of construction and not to exceed twelve months.

{0, **PREPARED SURFACE.** A surface prepared from concrete (a minimum depth of 4 inches and standard reinforcement must be used), patio or driveway pavers, paver blocks, asphalt (a minimum of 3 inches must be used), or crushed rock. If crushed rock is used, it must (a) have defined and maintained boundaries using treated wood, pavers, concrete, or brick, (b) the crushed rock must have a minimum depth of 3 inches, and (c) some method of preventing grass, weed, or other growth (underlayment, spraying, or other acceptable means) must be utilized.