

ORDINANCE NO. 2003-11

AN ORDINANCE TO AMEND ORDINANCE 99-2 APPROVING AND ADOPTING THAT CERTAIN ZONING DOCUMENTS AND TECHNICAL CODES KNOWN AS THE CHEROKEE VILLAGE ZONING CODE, ESTABLISHING PERMIT FEES AND PENALTIES FOR VIOLATION THEREOF AND FOR OTHER **PURPOSES**.

BE IT ORDAINED by the Cherokee Village City Council that the Cherokee Village Ordinance establishing certain zoning documents and technical codes known as the Cherokee Village Zoning Code, establishing permit fees and penalties for violation thereof and for other purposes adopted by Ordinance 99-2 on February 15, 1999, be amended as follows:

SECTION 1:

Change SECTION 6. Zoning Districts; A. Establishment of Districts — Add District R-1MH Standard Single Family Residential District and Manufactured Housing

SECTION 2:

Change Zoning Code SECTION 8. District R-1 Standard Single Family Residential District:

Change being made in District R-1 is to exclude manufactured homes; therefore the language will now read;

1. Dwellings, one family, excluding manufactured homes as defined by the International Building Code 2000 and Federal Standards under Arkansas Code § 2025-102.

SECTION 3:

SECTION 12A is being added for the purpose of complying with Act 624 of 2003 by the state of Arkansas entitled "An Act to Provide for the Availability of Affordable Housing within the Municipalities of Arkansas," effective October 1, 2003. SECTION 12A will provide for the rezoning of the Tulareno Addition, including all of Blocks 1, 2, 3, 6; Block 4, lots 3 through 12; Block 5, lots 13 through 21; Block 7, lots 1 through 21; and Block 8, lots 9 through 42, to allow for both conventional built and manufactured homes and shall read;

Add SECTION 12A. To The Zoning Code: District R-1MH, Standard Single Family, and Manufactured Home Residential District:

A. PERMITTED USES: In District R-1MH no building, structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1. Residential dwellings, one family stick built, modular, pre-fabricated, or manufactured home built in accordance with the International Building Code 2000 or a unit constructed in a factory in accordance with federal standards and meeting the definitions set forth in the federal standards and under Arkansas Code § 20-25-102.
2. Parks and playgrounds, including recreation or service buildings and swimming pools, which are owned or operated by a governmental agency.
3. Public schools.
4. Golf courses and clubhouses appurtenant thereto wherein food and alcoholic beverages may be served. (Except miniature golf courses, commercial driving ranges and other similar activities operated as a business.)

5. Nurseries, and truck gardens limited to the propagation and cultivation of plants; provided no retail or wholesale business shall be conducted upon the premises.
6. Churches and synagogues.

B. HEIGHT AND AREA REGULATIONS. In a District **R-1MH** the height of buildings, the setbacks, foundations, and roof pitch on any lot shall be as follows: (For exception see SECTION 23. Height and Area Exceptions.)

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.
2. **FRONT YARDS.** Any building hereafter constructed shall provide a front yard, the minimum depth of which shall be twenty-five feet (25) measured from the front lot line.
3. **SIDE YARDS.** A side yard shall not be less than eight (8) feet. Buildings on corner lots shall provide a side yard on the street side of not less than fifteen feet (15) measured from the side lot line.
4. **REAR YARDS.** The depth of the rear yard shall be at least twenty-five (25) feet.
5. **MINIMUM DIMENSION:** All units constructed in or set up in this district, whether by new construction, addition to an existing unit, placement of a multi-section or one single section manufactured home, shall have a minimum width on each side of at least 16 feet.

C. PARKING REGULATIONS. Not more than two off street parking spaces, not less than one being in the form of a garage or carport shall be provided for each single-family dwelling. (See SECTION 24 for additional parking requirements.)

D. STRUCTURAL REQUIREMENTS

1. **UNDERPINNING:** All units constructed or set up in this district with a crawl space shall have continuous masonry underpinning around said crawl space.
2. **ROOF/ROOF PITCH.** All units constructed or set up in this district shall have shingle roofs unless specifically approved by the Planning & Zoning Commission and the roof pitch shall be as follows:
 - a) Single section manufactured home must have at least a 3/12-pitch roof.
 - b) All other homes must have a 4/12-pitch or greater roof.
3. **FOUNDATION:** All units constructed or set up in this district shall have foundation systems that meet the city's building code and, in the case of manufactured housing, be anchored in accordance with the manufacturer's instructions or the regulations of the Arkansas Manufactured Home Commission.
4. **SIDING:** Siding materials shall be comparable with conventional built homes, such as vinyl, wood, or other material as approved by the Planning & Zoning Commission.
5. **TOWING ACCESSORIES:** All towing mechanisms (towing bar, axles, wheels) shall be removed prior to installation.
6. **UNITS:** All units moved into this district from off site shall be new and under warranty or inspected by the city's building inspector prior to being moved on site to ensure compliance with the following standards:
 - a) All roofing material shall be secure without gaps or damaged shingles.
 - b) All windows shall be operative without broken panes or damaged trim or screening.
 - c) All exterior siding shall be in place and undamaged. No dented, torn, burned, loose, or mildewed siding shall be allowed.
 - d) All kitchen and bathroom facilities shall be fully operational and all mechanical

equipment shall be in good working order.

- e) Any attached gutters shall be secure and functional.
- f) All cornice materials shall be in place and undamaged.
- g) Paint shall be uniform and unblemished.
- h) Doors shall be plumb and fully operational. No damaged screening or door fixtures shall be allowed.
- i) All flooring shall be structurally undamaged, and secure. Holes in the flooring, or flooring that is missing, dented, broken, or in a state of damage or decay will not be allowed.

Those covenants in place encompassing the current boundaries of lots and easements in Cherokee Village prior to the passing of this ordinance will remain as the enforceable requirements. In order to protect the sensitive environment, no logs) shall be altered until a residential structure is to be erected. As of this date, all un-plotted lots will comply with the adjoining covenants.

SECTION 4:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

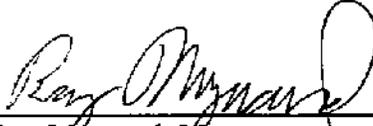
SECTION 5:

IT IS, THEREFORE, declared that an emergency exists and this ordinance being necessary for the preservation of the public peace, health and safety shall take effect and be in force immediately from and after its passage.

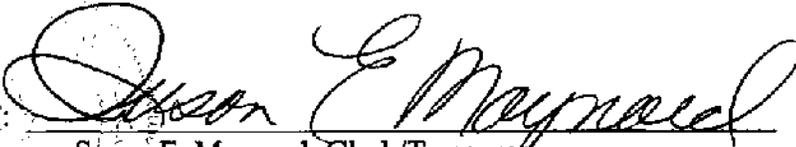
PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: October 30, 2003

APPROVED: _____


Ray Maynard, Mayor

ATTEST: _____


Susan E. Maynard, Clerk/Treasurer