

ZONING CODE

CHEROKEE VILLAGE, ARKANSAS

EFFECTIVE MONTH DATE, 2016

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CHEROKEE VILLAGE ZONING CODE

THIS CODE BECAME EFFECTIVE DECEMBER 31, 2016

SECTION 1. TITLE

This code shall be known, cited, and referred to as: "The Cherokee Village Zoning Code".

SECTION 2. PURPOSE AND INTENT

This Code is adopted for the purpose of:

1. Promoting the safety, morals, order, convenience, prosperity and general welfare of the residents and property owners of the City of Cherokee Village, Arkansas.
2. Securing adequate light, pure air and safety from fire, storm water and other dangers.
3. Conserving the value of land and buildings throughout the City of Cherokee Village.
4. Assure a means of efficient and safe vehicular and pedestrian circulation throughout the city.

To these ends this code is designed to establish certain standards and objectives by:

1. Dividing the City of Cherokee Village into districts and restricting and regulating therein the location, construction, reconstruction, alteration and use of buildings, structures and land, whether for residence, business, manufacturing or other specified uses.
2. Avoiding or lessening congestion in the public streets.
3. Preventing the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected as related to land area.
4. Establishing, regulations and limiting the building or setback lines on or along streets, alleys, natural features or property lines.
5. Regulating and limiting the intensity of the use of land, and defining and regulating the area of open spaces within and surrounding such uses.
6. Prohibiting uses, buildings or structures incompatible with the character of nearby residence, business, or manufacturing districts.
7. Preventing additions to and alterations or remodeling of, existing buildings or structures in such a way as to avoid the standards imposed hereunder.
8. Providing for the gradual elimination of those uses, which are incompatible with the character of the districts in which they are located.
9. Defining and limiting the powers and duties of the administrative officers and bodies listed hereinafter.

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SECTION 3. DEFINITIONS

The language set forth in the text of this code shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and the future tenses and the future the present.
3. The word "shall" is mandatory while the word "may" is permissive.
4. The masculine gender includes the feminine and neuter.
5. All measured distances shall be to the nearest integral foot; if a fraction is one-half foot or more, the integral foot next above shall be taken.
6. The following words and terms, whenever they occur in this Code, shall be construed as herein defined.

ACCESSORY BUILDING. An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use, which is clearly incidental to, and customarily found in connection with, such primary use.

ACREAGE, GROSS. The overall total area of real property.

ACREAGE, NET. The remaining area after all deductions are made; with deductions including streets, easements for access, street dedications and similar areas.

AGRICULTURE. The tilling of the soil, raising of crops, animals, horticulture, gardening, beekeeping and aquaculture.

ALLEY. Any public way or thoroughfare more than 10 feet, but less than 16 feet, in width which has been dedicated to the public for public use.

ALTERATION. Any change, addition or modification in construction, occupancy or use.

AMUSEMENT CENTER. An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting gallery, table games and similar recreational diversions within an enclosed building.

ANIMAL HOSPITAL. Any building, or portion thereof, designed or used for the care, observation or treatment of domestic animals.

ANIMAL SHELTER. A building, buildings or premises where domesticated animals which have been captured or delivered for reasons of violation of public laws or for protection of the public safety, comfort or welfare, are kept.

APARTMENT HOUSE. A residential building designed or used for three or more dwelling units.

AUTOMOTIVE REPAIR, MAJOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, which is conducted within a completely enclosed building.

AUTOMOTIVE REPAIR, MINOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, which is conducted within a completely enclosed building.

AWNING. A rooflike shelter over a door or window for protection against the sun or inclement weather.

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

BED AND BREAKFAST FACILITY. A limited commercial activity, conducted within a structure, which includes dining and bathroom facilities with sleeping rooms for short-term guest lodging.

BLOCK. Land, or a group of lots, surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision tract.

BOARD (OF ADJUSTMENT). The board of adjustment of the adopting jurisdiction.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING CODE. The Arkansas State Fire Code, or a more stringent code that was adopted by the City in accordance with the Arkansas State Fire Code.

BUILDING HEIGHT. The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING LINE. The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

BUILDING, DETACHED. A principal building surrounded by open space on the same lot.

BUILDING, MAIN. A building in which the principal use of the site is conducted.

BUILDING, RESIDENTIAL. A building arranged, designed, used or intended to be used for residential occupancy by one or more families.

BUILDING, TEMPORARY. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

BUSINESS. An occupation, employment or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold or where services are offered.

BUSINESS OR FINANCIAL SERVICES. An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

CALIPER. A measurement of size of a shade tree, that being the diameter of the trunk measured one foot above the ground surface or top of earth ball.

CAMPGROUND. An area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreation vehicles and other modes of sleeping while traveling by auto.

CANOPY. A roofed structure constructed of fabric or other material supported by the building or by support extended to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

CARPORT. A roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles, to be constructed of materials to match existing house.

CHURCH. A building constructed for the purpose of worship and ancillary activities directly related thereto, and including synagogue. Social gathering, day care and similar activities may be included provided the capacity of the building or parking facilities are not exceeded.

CLUB OR LODGE, PRIVATE. An association of persons who are bona fide members, paying dues, and being generally restricted to members and their guests.

CLUSTER HOUSING. The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.

COMMERCIAL, HEAVY. An establishment or business which generally uses open sales yards, outside equipment storage, or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors.

COMMERCIAL, LIGHT. An establishment or business which generally has retail or wholesale sales, office uses or services that do not generate noise, or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

COMMERCIAL CAR WASH. Any building, or portion thereof, where automobiles are washed using a conveyor, blower, steam-cleaning equipment or other mechanical devices of

production-line nature.

COMMERCIAL CENTER, COMMUNITY. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

COMMERCIAL CENTER, CONVENIENCE. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A convenience commercial center shall provide a small cluster of convenience shops or services.

COMMERCIAL CENTER, REGIONAL. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings and other retail sales and services, in full depth and variety.

COMMERCIAL RETAIL SALES AND SERVICES. Establishments which engage in the sale of general retail goods and accessory services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions); businesses specializing in sale of either general merchandise or convenience goods.

COMPREHENSIVE PLAN. A declaration of purposes, policies and programs for the development of the Planning Area.

CONDITIONAL USE. A use which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDOMINIUM. A single dwelling unit in a multiunit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE LIVING. A style of living whereby persons, couples or families reside in separate sleeping quarters but utilize common dining and recreational facilities.

CONVALESCENT CENTER. A facility which is publicly or privately operated and intended for long-term patient care due to human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners, excluding hospitals.

CONVENIENCE STORE. An establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment shall be permitted to offer for sale, at retail, other convenience.

CONVENTIONALLY-BUILT. A structure constructed in accordance with the Arkansas State Fire Code or the adopted building code of Cherokee Village.

COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and

bounded on three or more sides by walls of a building.

DANCE HALL, DISCOTHEQUE. An establishment intended primarily for dancing and entertainment within an enclosed building, using either live or electronically produced music, either open to the public or operated as a private club open to members only.

DAY CARE, FAMILY. The keeping of part-time care and/or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

DAY CARE, CENTER. An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are included in this definition.

DECIBEL. A unit of measurement of the intensity (loudness) of sound. As used in this code decibel levels shall be measured on the “A Scale” and referred to as “dB (A)”.

DENSITY. The number of dwelling units which are allowed on an area of land shall be permitted to include dedicated streets contained within the development.

DRIVE-IN ESTABLISHMENT. A place of business operated for the retail sale of food and other goods, services, or entertainment; where patrons may be served or otherwise conduct their business while remaining in an automobile which is parked in a space provided on the premises.

DRIVE THROUGH SERVICES. Any business wherein a patron is served through a window or other device while remaining in a motor vehicle and where products served to persons in a vehicle are not normally consumed on the premises.

DRIVEWAY. A private access road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

DWELLING. A building or portion thereof intended for occupancy for residential purposes but not including hotels, motels, rooming houses, nursing homes, tourist homes, motorhomes or recreation vehicles.

DWELLING, DUPLEX. A building designed or arranged to be occupied by two families living independently, the structure having only two dwelling units.

DWELLING, MULTIPLE-UNIT. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominium, or offered for rent.

DWELLING, PLANNED GROUP. Two or more detached buildings used as dwelling units located on a lot that is in single ownership having yards, courts or facilities in common.

DWELLING, SINGLE-FAMILY. A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above said lot or lots.

FACE OF BUILDING, PRIMARY. The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

FAMILY. One or more persons, each related to the other by blood, marriage, or legal adoption, or group of not more than four persons not related, and maintaining a common household and using one set of kitchen facilities in a dwelling unit. A family may include not more than two roomers, boarders or permanent guests not a part of a common household, whether or not gratuitous.

FARM ANIMALS. Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

FENCE, SOLID OR OPEN-VIEW. A fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties, streets, alleys or public ways, materials stored and operations and activities conducted behind it.

FLOOR AREA FOR THE PURPOSE OF DETERMINING OFF-STREET PARKING REQUIREMENTS. The total floor area of the building, expressed in square feet, measured from the exterior surface of outside walls, and including mezzanines, upper floors, whether finished or not, from which is subtracted the floor area of washrooms, elevator shafts, stairways and mechanical rooms.

FLOOR AREA, GROSS. The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof.

FLOOR AREA, NET. The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

FLOOR AREA RATIO. The numeral value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.

FRONTAGE. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

GARAGE, PRIVATE. A building or a portion of a building not more than 1,000 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

GARDEN APARTMENTS. An apartment building located on a lot, either singly or together with other similar apartment buildings, generally having a low density of population and having

substantial maintained landscaped open space adjacent to the dwelling units.

GENERAL PLAN. See: Comprehensive Plan

GRADE (ADJACENT GROUND ELEVATION). The lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet from the building.

GRAFFITI. Unauthorized marking on a structure.

GROSS LEASABLE AREA (GLA). The total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet as measured from the center line of joint partitions and from outside wall faces.

GROUND-FLOOR AREA. The lot area covered by a building measured from the exterior faces of exterior walls, but excluding open terraces or open porches, garages or carports.

GROUP HOME. See **RETIREMENT CENTER.**

HABITABLE SPACE (ROOM). Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HEIGHT OF STRUCTURE OTHER THAN A BUILDING. The vertical distance from the average ground level at the base of the structure to the highest part thereof.

HOME OCCUPATION. The partial use of a dwelling unit for commercial or nonresidential uses by a resident thereof which is subordinate and incidental to the use of the dwelling for residential purposes.

HOSPITAL. An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

HOUSEHOLD PETS. Dogs, cats, rabbits, birds, for family use only (noncommercial) with cages, pens, etc.

INDUSTRIAL PARK. A tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration in the neighborhood.

JUNK YARD. An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes an auto wrecking yard, but does not include uses carried on entirely within enclosed buildings, nor does it include an establishment engaged only in the recycling of paper, glass, plastics and certain metals.

JURISDICTION. As used in this code, jurisdiction is any political subdivision which adopts this code for administrative regulations within its sphere of authority. In the case of the zoning code for Cherokee Village, this shall mean lands within the currently established corporate limits.

KITCHEN. Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

LABORATORY. A building, or group of buildings, in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the principal investigative or research function.

LANDSCAPING. The bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

LEGISLATIVE BODY. The political entity of the adopting jurisdiction.

LODGING ROOM. A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room shall be counted as one lodging room.

LOT. A parcel of land occupied by, or intended for occupancy by, one principal building, unified groups of buildings or principal use, and having access to a public street. A lot may be one or more platted lots, or tract or tracts as conveyed, or parts thereof.

LOT AREA. The area of a horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

LOT, CORNER. A lot situated at the junction of, and abutting on two or more intersecting streets. A corner lot shall be deemed to front on that street on which it has its least dimension unless otherwise specified by the Building Official.

LOT, FLAG. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

LOT, INTERIOR. A lot other than a corner lot.

LOT, IRREGULAR. A lot whose opposing property lines are generally not parallel, such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

LOT DEPTH. The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT LINE. A property boundary line of any lot.

LOT LINE, FRONT. That boundary line between a lot and the street on which it fronts.

LOT LINE, REAR. That boundary of a lot which is opposite and most distant from and is approximately parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front or rear lot line.

LOT, NONCONFORMING. A lot whose width, area or other dimension did not conform to the regulations when this code became effective.

LOT, REVERSED CORNER. A corner lot where the side lot line adjoining a street is substantially a continuation of the front line of the first lot to its rear.

LOT, THROUGH. An interior lot having frontage on two streets.

LOT, WIDTH. The horizontal distance between side lot lines.

MANUFACTURED HOME. Any home factory-built in the U.S. to the HUD Title 6 construction standards (commonly known as 'the HUD-code'), which took effect June 15, 1976.

MANUFACTURED HOME SUBDIVISION. A tract of land having a system of utilities including water supply, septic sewers, power and telephone, which utilities are available to mobile and manufactured homes which may be placed on the property on a temporary or permanent basis for residential purposes.

MANUFACTURING, HEAVY. All other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

MANUFACTURING, LIGHT. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

MANUFACTURING, MEDIUM. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

MOBILE HOME. A factory-built home that was 1) built before June 15, 1976, and 2) and not built to a uniform construction code.

MODULAR HOME. A detached single family dwelling unit, partially fabricated at an off-site plant and transported to the building site in modules such as wall sections, floor plates and trusses, and which, after completion, has structural and architectural characteristics similar to and compatible with typical homes in the neighborhood. A factory-built home, other than a manufactured home, which meets all of the following requirements:

1. Is designed only for erection or installation on a site-built permanent foundation.
2. Is not designed to be moved once so erected or installed;
3. Is designed and manufactured to comply with the city's current building code; and
4. To the manufacturer's knowledge, is not intended to used other than on a site-built permanent foundation.

MORTUARY, FUNERAL HOME. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

MOTEL, HOTEL. Any building containing six or more guest rooms, intended or designed to be used, or which are used rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

MOTOR VEHICLE. Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or highways, or other public ways.

NAMEPLATE. A sign indicating the name and address of a building, or the name of an occupant thereof and/or the practice of a permitted occupation therein.

NATURAL WATERWAYS. Those areas, varying in width along streams, creeks, springs, gullies or washes, which are natural drainage channels as determined and identified by the jurisdiction.

NONCONFORMING SIGN. A sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not now conform.

NONCONFORMING STRUCTURE. A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed; erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

NOXIOUS MATTER. Material which is capable of causing injury or physical discomfort to living organisms by chemical reaction or is capable of causing detrimental effects upon the health or the psychological, social, or economic well-being of human beings.

NOXIOUS ODOR. Odor which is capable of causing injury or physical discomfort to living organisms by chemical reaction or is capable of causing detrimental effects upon the health or the psychological, social, or economic well-being of human beings.

NURSING HOME. A residential facility for five or more persons, who for various reasons, cannot reside in their natural home. Twenty-four 24 hour adult care, supervision and consultation shall exist.

OPEN SALES LOT. Any land used or occupied for the purpose of displaying, buying or selling merchandise, produce, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, or for similar items or for the storing of same prior to sale.

OPEN SPACE. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

PARK. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARK AND RIDE FACILITIES. Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation areas.

PARKING GARAGE, COMMERCIAL. A building, other than a private garage, used for the parking of automobiles with or without a fee.

PARKING LOT. An open area, other than a street, used for the parking of automobiles.

PARKING SPACE, AUTOMOBILE. A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

PARTICULATE MATTER OR VAPOR. Material which is suspended in or discharged into the atmosphere in finely divided form at atmospheric pressure and temperature.

PARTY WALL. A wall which is common to but divides contiguous buildings; such a wall contains no openings and extends from its footing below the finished grade to at least the height of the exterior surface of the roof.

PERFORMANCE STANDARD. A criteria to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare, heat, or other effect generated by or inherent in the uses of land or buildings.

PERSON. A natural person, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PLANNED ZONING DISTRICT. The zoning designation of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract.

PLANNING COMMISSION. The duly appointed advisory board having duties and jurisdiction in the City of Cherokee Village as set out in Arkansas statutes and local ordinances and which board may be referred to herein as Planning Commission or Commission.

PLANNED UNIT DEVELOPMENT (PUD). A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than

use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

PLOT PLAN. A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

POOLS, SWIMMING, HOT TUBS AND SPAS.

Above-ground/on ground pools. See “Private swimming pool”

Barrier. A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot tub. See “Private swimming pool”.

In-ground pool. See “Private swimming pool.”

Safety cover. A pool cover which is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch or manually.

Private swimming pool. Any structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 and which is available only to the family and guests of the householder. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Private swimming pool, indoor. Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure

Private swimming pool, outdoor. Any private swimming pool that is not an indoor pool.

Public swimming pool. Any swimming pool other than a private swimming pool.

Spa. See “Private swimming pool”.

PREPARED SURFACE. A surface prepared from concrete, patio pavers or blocks, asphalt or crushed rock.

PUBLIC IMPROVEMENT. Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or for which the local government responsibility is established.

PUBLIC SERVICES. Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

PUBLIC UTILITY STATION. A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

QUASI-PUBLIC. Essentially a public use, although under private ownership or control.

QUORUM. A majority of the authorized members of a board or commission.

RECREATION, INDOOR. An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, billiards, pool, motion picture theatres, and related amusements.

RECREATION, OUTDOOR. An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures used primarily for recreational activities.

RECREATION VEHICLE. A vehicle, with or without motive power, capable of human habitation or camping purposes and/or used for sporting, recreation or social activities, including but not limited to, travel trailers, fifth-wheel trailers, motorhomes, camping trailers, off-road vehicles, truck campers, campershells, boat trailers and boats.

RECYCLING FACILITY. Any location whose primary use is where waste or scrap materials are stored, bought, sold accumulated, but not limited to, scrap metals, paper, rags, tires and bottles, plastic, cardboard and other such materials.

REFUSE OR WASTE. Waste products resulting from human habitation or the conduct of business or industry, except wastewater commonly referred to as sewage.

REHABILITATION CENTER (Halfway House). An establishment whose primary purpose is the rehabilitation of persons. Such services included drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

RENOVATION. Interior or exterior remodeling of a structure, other than ordinary repair.

RESTAURANT. An establishment which sells prepared food for consumption. Restaurants shall be classified as follows:

Fast food. An establishment which sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering. General, an establishment which sells food for consumption on or off the premises. Take-out, an establishment which sells food only for consumption off the premises.

RETIREMENT CENTER (GROUP HOME). A residential facility for five or more persons, who for various reasons, cannot reside in their natural home and where 24 hour adult care, supervision and consultation shall exist.

ROOMING HOUSE/BED & BREAKFAST. A building, or portion thereof, containing lodging rooms which accommodate persons who are not members of the keeper's family and where lodging rooms or meals, or both are provided for compensation.

SALVAGE YARD. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, materials such as scrap metals, paper, rags, tires and bottles.

SCHOOL, COMMERCIAL. A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

SCREENING. A structure erected or vegetation planted as a screen designed to conceal structures, materials and operations conducted behind it.

SENIOR ADULT. A person fifty five (55) years of age or older.

SETBACK. The minimum required distance between the property line and the building line.

SIGN. An announcement, declaration, demonstration, display, illustration, insignia, surface or space used to draw the attention of observers.

SIGN, MONUMENT. A sign constructed of stone or masonry used for advertisement.

SITE PLAN. A plan which outlines the use and development of any tract of land.

STORY. That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STREET. Any thoroughfare or public way not less than 16 feet in width which has been dedicated.

STREET, PRIVATE. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, in the supporting members of a building or structure such as hearing walls or columns, beams, or girders.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBDIVISION. The division of a tract, lot or parcel of land into two or more lots, plats, sites or

other divisions of land.

THEATER. A building used primarily for the presentation of live stage productions, performances or motion pictures.

TRAILER. A vehicle, other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

TRAILER ADVERTISING. A trailer, as defined above, but carrying or having attached thereto, a sign, billboard, lettering or other media.

TRAVEL HAULING. A trailer, as defined above, and designed and normally used for over-the-road transportation of belongings, equipment, boats, merchandise, livestock and other objects, but not equipped for human habitation.

TRAVEL TRAILER, RECREATION VEHICLE OR MOTOR HOME. A portable structure mounted on wheels or on a motorized chassis, including converted bus, and which is normally used as sleeping quarters and shelter while traveling, but not as a dwelling.

USE. The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, ACCESSORY. A subordinate use which is clearly and customarily incidental to the principal use of a building or premises, and which is located on the same lot as the principal building or use.

USE, CHANGE OF. The change within the classified use of a structure or premise.

USE, PERMITTED. Any building, structure, or use, which complies with the applicable regulations governing uses in the zoning district in which such building, structure, or use is located.

USE, PRINCIPAL. The main use of and or building as distinguished from a subordinate or accessory use.

USE, TEMPORARY. A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

VARIANCE. A deviation from the height, bulk, setback, parking or other dimensional requirements established by this code.

WAREHOUSE, WHOLESALE OR STORAGE. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

WRECKING YARD. Any place where damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled or handled.

YARD. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this code.

YARD, FRONT. A yard across the full width of the lot and extending back from the front lot line to the front line of the main building, bearing the 911 address.

YARD, REAR. The portion of the yard on the same lot with the principal building and located between the rear line of the building and the rear lot line extending for the full width of the lot.

YARD, SIDE. A yard extending along a side lot line between the front and rear yard.

ZERO LOT LINE DEVELOPMENT. Single-family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line.

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SECTION 4. GENERAL PROVISIONS

A. INTERPRETATION

1. In their interpretation and application, the provisions of this code shall be held to be the minimum requirements for the promotion of the public safety, morals, order, convenience, prosperity and general welfare of the citizens and property owners of Cherokee Village.
2. Where the conditions imposed by any provision of this code upon the (a) use of land or buildings (b) the bulk of buildings. (c) floor area requirements. (d) lot area requirements, and (e) yard requirements are either more restrictive or less restrictive than comparable conditions imposed by the adopted Building Code, protective covenants, any other law, code, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
3. This code is not intended to abrogate any easement, protective covenant, or other private agreement; except, that where the regulations of this code are more restrictive or impose higher standards, then this regulations shall govern.

B. SEVERABILITY. It is hereby declared to be the intention of the City Council of the City of Cherokee Village that the several provisions of this code are severable, in accordance with the following.

1. If any court of competent jurisdiction shall adjudge any provisions of this code to be invalid, such judgment shall not affect any other provision of this code not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this code to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

C. BUILDING ON LOT. Every building hereafter erected shall be located on one or more platted lots, and there shall not be more than one principal building on one lot, except as may be approved in the planned zoning process.

D. ALLOWABLE USE OF LAND OR BUILDINGS. The following uses of land or buildings are allowed in the districts indicated on the Zoning District Map and under the conditions specified in this code:

1. Uses lawfully established on the effective date of this code.
2. Permitted uses as designated in Sections 7 through 17 inclusive.

E. PROHIBITED USE OF LAND OR BUILDINGS. No building or tract of land shall be devoted to any use other than one which is specified as a Permitted Use, Accessory Use, or Special Use in Section 7 through 18 inclusive. However, where a building permit for a building or structure has been issued or where plans for a building or structure were substantially underway on the date of the adoption of this code, a period of transition is provided. (See Section 5. Nonconforming Uses and Section 26, Period of Transition.)

F. CONTROL OVER USE. No building or premises shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, moved, reconstructed, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located;

except that in Residence Districts a lot in single ownership which was of record at the time of adoption of this code, even though not meeting the requirements of this code as to area and width, may be used for single- family residence purposes, provided that such use conforms with all other applicable regulations of this code.

G. SPECIAL USES. To provide for the location of certain uses hereinafter specified which are deemed desirable for the public welfare within a given district or districts, but which have characteristics which are unusual and which prevent their inclusion in the standard zoning districts contained herein; a classification of Special Uses is hereby established. Procedures for Special Uses are set forth in Section 18.

H. DRIVEWAY PERMITS

1. New House Construction
 - a. Driveways constructed during the construction of a new home shall be covered by the building permits issued for the new home. The only exception will be in the case of a new driveway having access to a state controlled highway. An additional permit must be obtained from Arkansas State Highway Commission. (AHTD)
 - b. Driveway construction shall be in accord with the City of Cherokee Village and in accordance with AHTD procedures.
2. Additional Driveways
 - a. All new driveways constructed on existing lots shall require a permit.
 - b. If the new driveway has access to a state highway, a permit must also be obtained from AHTD.
3. Permit Procedures
 - a. Standard permit application must be completed; Submit a drawing of the lot that shows the lot drawn to scale with lot size, location of all existing structures, existing driveways, septic tank location and drain field, location of proposed driveway, location of common property if located next to lot.
 - b. Drainage inside ditches shall not be altered or impeded. If a culvert pipe is required it will have a minimum diameter of eighteen (18) inches.
 - c. The city building inspector shall review the area to determine the maxim amount of water runoff that exists. He will consult with Cherokee Village Street Department to determine if a larger diameter culvert is needed.
 - d. Culvert pipe shall be made of corrugated metal, reinforced concrete or state approved plastic pipe. A minimum length will be twenty (20) feet.
 - e. Ditches more than two (2) feet deep that run along a state highway will require a minimum length of twenty-four (24) feet for the culvert pipe.
 - f. New driveway width will be a minimum of twelve (12) feet.
 - g. The angle of driveway access from the road shall be 60 to 90 degrees.
 - h. Driveways will not be permitted to cross common property.
 - i. There will be a permit fee.
4. AHTD will not issue a permit unless they receive a copy of an approved permit from the City of Cherokee Village.

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SECTION 5. NON-CONFORMING BUILDINGS, STRUCTURES, AND USES.

Any non-conforming building or structure, or use of a building or structure which existed lawfully at the time of adoption of this code and which remains non-conforming, and any such building, structure, or use thereof which shall become non-conforming upon the adoption of this code or of any subsequent amendment thereto, may be continued without time limit but may not be expanded. All buildings and structures which exist and are in use at the adoption of this code and are located in a planned zoning district RP-3 thru MP-1 inclusive, shall be deemed in conformance with this code. A use of vacant land which does not conform to these regulations shall not continue beyond six months after the adoption of this code.

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SECTION 6. ZONING DISTRICTS

A. ESTABLISHMENT OF DISTRICTS. In order to carry out the purposes and provisions of this code the City of Cherokee Village is hereby divided into the following districts. Each of the districts excepting Districts A, R-1 and R-2 shall be Planned Zoning Districts as set out in par. B. below. Districts R-1 and R-2 may also, if deemed in the public interest, be approved as planned districts RP-1 and RP-2.

District A	Agriculture District
District R-1	Standard Single Family Residential District
District R-2	Two Family Residential District
District R-1MH	Standard Single Family Residential District and Manufactured Housing

B. PLANNED ZONING DISTRICTS. Each of the districts hereinafter set forth shall be Planned Zoning Districts. A planned district shall be for the purpose of permitting and regulating the uses hereafter permitted in that district and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces, all subject to approval of the plan by city officials. The purpose is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations and further protect the sensitive environment and quality of life in Cherokee Village.

The following districts must be planned districts:

District RP-3	Planned Cluster, Townhouse or Garden Type Apartment District
District RP-4	Planned Medium Density Apartment District
District RMP	Planned Manufactured Home District
District CP-0	Planned Non Retail Business District
District CP-1	Planned Local Business District
District CP-2	Planned General Business District
District CP-3	Planned Service Business District
District MP- I	Planned Light Industrial District

C. OBJECTIVE. The zoning in Cherokee Village to one of the planned districts (RP-3 to M-1 inclusive) is for the purpose of assuring orderly development on a quality level generally equal to or superior to that existing in the community. The use of planned zoning procedures is intended to encourage development and redevelopment that is in harmony with established architecture: assures the effective handling of surface water, the wise use of the natural terrain and the protection of the environment. Planned zoning also provides latitude to developers to better use land areas, economize on hard surface areas, adjust setback requirements and undertake projects in stages.

D. PROCEDURE. In order to carry out the objectives of this code, land which is vacant at the enactment of this code but which may be reasonably deemed appropriate for eventual multifamily residential, commercial or industrial use is, where practical, zoned to a more restrictive district than is required for the said multifamily, commercial or industrial use. In most instances said vacant property will initially be zoned District R-1. This action is for the purpose of placing vacant unused but potentially nonresidential land into a "holding zone" until such time as the real estate market has indicated such development is viable and a specific user or users are known. For indication of the likelihood that a parcel of land will be rezoned, the Long Range

Land Use Plan should be consulted. Said plan depicts how, as a matter of public policy, the City Planning Commission and City Council believe that such land should be developed and used. The Land Use Plan is not a part of this code; however, it is hereby noted that the purpose of the zoning code is to carry out or protect the provisions of the Land Use Plan, which plan may, from time to time, be revised and updated following public hearing. The procedure for rezoning land is set out in Section 28.

E. MAP. The location and boundaries of the districts established by this code are set forth on the "Zoning District Map", which is hereby made a part of this code. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this code as though fully set forth and described herein. The said map shall be filed with the office of the City Recorder-Treasurer and copies thereof in the office of the Building Official and shall be open to public reference at all times during which those offices are open.

F. BOUNDARIES OF DISTRICTS. When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:

1. District boundary lines are the right-of-way lines of highways, streets, alleys, tract or lot lines, or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such zone shall be in accordance with dimensions shown on the maps measured at right angles from the property line of the street, highway, or railroad, and the length of frontage shall be in accordance with dimensions shown on the map from the property lines of streets, highways or railroad right-of-way unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, in the owner's discretion, extend over the entire lot, but not more than 25 feet beyond the mapped boundary line of the district.

G. EXCEPTIONS. Poles, towers, wires, cables, conduits, vaults, pipes, valves and other distribution equipment, but excluding power substations, are allowed in all districts.

Those easements in place in Cherokee Village prior to the passing of this ordinance will remain as recorded. As of this date, all unplotted lots will be in compliance with this zoning code.

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SECTION 7. DISTRICT A. AGRICULTURE DISTRICT

A. PERMITTED USES. In District A, 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. Agriculture as defined in Sec. 3 including farming, dairy farming, livestock and poultry raising and similar uses. The raising of poultry shall be limited to one hundred for each farming operation.
2. Churches and publicly owned and operated community buildings.
3. One-family dwellings including modular and manufactured homes.
4. Fish hatcheries, apiaries, aviaries.
5. Forests, wildlife and conservation preserves.
6. Fur Farming.
7. Golf courses and clubhouses customarily incident thereto, except miniature golf driving ranges and similar activities.
8. Kennels, provided that if dogs are to be outside an enclosed building at any time, the pens and buildings shall not be located closer than one thousand feet to a dwelling in a residential district.
9. Mushroom raising.
10. Nurseries, greenhouses and truck gardens.
11. Publicly-owned parks and playgrounds, including public recreation or service buildings within such parks, public administration buildings, police, fire stations and city-owned and operated buildings, structures and substations.
12. Public schools, elementary and high and private schools with curriculum equivalent to that of a public elementary or high school.
13. Riding stables and riding tracks not less than 500 feet from a dwelling.
14. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, incidental dwellings, buildings and structures customarily required for any of the above uses.

B. HEIGHT AND AREA REGULATIONS. In District A the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows: (For exceptions, see Section 24, Height and Area Exceptions.)

1. HEIGHT. Buildings or structures shall not exceed thirty- five feet or two and one-half stories in height.
2. FRONT YARDS. There shall be a front yard the minimum depth of which shall be forty-five feet measured from the front property line.
3. SIDE YARDS. There shall be a side yard on each side of a building of not less than twenty-five feet. On a corner lot a side yard shall be provided of not less than forty feet measured from the street property line.
4. REAR YARDS. There shall be a rear yard the minimum depth of which shall be fifty feet.
5. LOT WIDTH. The minimum width of a lot shall be one hundred fifty feet provided that where a lot of record has less width than herein required in separate ownership at the time of passage of this Code, this regulation shall not prohibit the erection of a one-family dwelling.
6. LOT AREA. Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall provide a lot area of not less than one acre (43,560 sq. ft.), provided that where a lot of record has less area than herein required in separate ownership of the time of the passage of this Code, this regulation shall not

prohibit the erection of a single-family dwelling.

C. SUBDIVISIONS PROHIBITED. The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential or business use and where the opening of new streets or roadways is contemplated to accomplish this purpose is not permitted in District A.

Those covenants in place encompassing the current boundaries of lots and easements in place in Cherokee Village prior to the passing of this ordinance will remain as recorded. As of this date, all unplotted lots will be in compliance with this zoning code.

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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 and material must match the house roof color and material. In District R-1 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. Dwellings, one family, excluding manufactured homes.
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-1 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted 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 20 feet.
3. **SIDE YARDS.** There shall be a side yard on each side of the dwelling the total of which side yards shall be not less than 7 feet. Buildings on corner lots shall provide a side yard on the street side of not less than 15 feet.
4. **REAR YARDS.** The depth of the rear yard shall be at least twenty-five feet.
5. **LOT WIDTH.** The width of a lot measured at the front building line shall be not less than one hundred twenty-five feet provided that where a lot has less width than herein required at the time of the passage of this code, this regulation shall not prohibit the construction of a single family dwelling.

C. **PARKING REGULATIONS.** Not less than three off-street parking spaces, one in the form of a garage or carport, shall be provided on the premises for each dwelling unit. (See Sec. 24 for additional parking requirements)

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SECTION 8.A. DISTRICT TO INCLUDE REC-1 DISTRICT (PRIVATELY OWNED RECREATION DISTRICT) TO PROVIDE REGULATIONS FOR ANY LARGE SECTION OF PRIVATELY OWNED PROPERTY BEING USED EXCLUSIVELY FOR HUNTING IN COMPLIANCE WITH THE RULES AND REGULATION PROMULGATED FOR RECREATIONAL HUNTING ACTIVITIES BY THE ARKANSAS GAME AND FISH COMMISSION.

A. PERMITTED USES. District area will be used exclusively for outdoor hunting activities.

1. REC-1-A area will be used only for bow hunting in compliance with the rules and regulations promulgated for recreational hunting activities by the Arkansas Game and Fish Commission. If an area has more than one property owner in the district all property owners must agree to use the area exclusively for bow hunting or the property will automatically revert to R-1 Residential Zoning. These areas must be used exclusively by the property owners and their guests and cannot be open for use by the general public or operated as a business. No other uses in these districts will be permitted.

2. REC-1-B area will be used only for bow hunting and gun hunting in compliance with the rules and regulations promulgated for recreational hunting activities by the Arkansas Game and Fish Commission. No gun hunting will be permitted within 100 yards of the outside boundary property lines of the property. If this area is to be sub-divided the plan will be governed by the provisions of the Cherokee Village Subdivision Rules and Regulations. These areas will be used exclusively by the property owners and their guests and cannot be open for use by the general public or operated as a business. No other uses in these districts will be permitted.

B. PERFORMANCE STANDARDS.

1. Any new construction proposed in a REC-1-A or REC-1-B area must be approved by the Planning Commission before construction and the appropriate building permits obtained.

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SECTION 9. DISTRICT R-2 TWO FAMILY RESIDENTIAL DISTRICT

A. **PERMITTED USES.** In District R-2 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 those allowed in District R-1 or for one or more of the following uses:

1. Dwellings, two-family, commonly referred to as duplexes:

B. **HEIGHT AND AREA REGULATIONS.** In District R-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows provided any Standard Single Family Residential construction in District R-2 shall conform to the requirements of Section 8 of this Zoning Code.

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 feet.
3. **SIDE YARDS.** There shall be a side yard on each side of the dwelling the total of which side yards shall be not less 7 feet. Buildings on corner lots shall provide a side yard on the street side of not less than 15 feet.
4. **REAR YARDS.** The depth of the rear yard shall be at least twenty five feet.
5. **LOT AREA PER FAMILY.** Every dwelling hereafter erected, or altered shall provide a lot area of not less than six thousand square feet per family for two family dwellings.
6. **LOT WIDTH.** The width of the lot shall be least one hundred feet except that two family dwellings which otherwise comply with the codes and ordinances of Cherokee Village may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownership shall not constitute a violation of the lot and yard requirements of this code.

C. **PARKING REGULATIONS.** Not less than two off-street parking spaces, one in the form of a garage or carport, shall be provided on the premises for each dwelling unit. (See Sec. 24 for additional parking requirements)

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 lot(s) shall be altered until a residential structure is to be erected. As of this date, all unplotted lots will be in compliance with the adjoining covenants.

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SECTION 10. DISTRICT RP-3 CLUSTER HOMES, TOWNHOUSE OR GARDEN APARTMENT DISTRICT

A. PERMITTED USES. In District RP-3 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 those allowed in District R-1, R-2 or for one or more of the following uses.

1. Garden apartment buildings and townhouses;
2. Innovative housing techniques such as cluster homes, patio houses, zero lot line homes, time share units and mixed housing systems

B. HEIGHT AND AREA REGULATIONS. In District RP-3 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows provided any Standard Single Family Residential or Two-Family Residential construction in District RP-3 shall conform to the requirements of Section 8 or Section 9, as applicable, of this Zoning Code:

1. HEIGHT. Buildings or structures shall not exceed two stories in height plus a basement as defined in Section 3.
2. FRONT YARDS. No building shall be located closer than sixty-five feet to the centerline of a street or thirty-five feet from the front lot line, whichever is greater.
3. SIDE AND REAR YARDS. No building shall be located closer than fifteen feet to a project property line. On a corner lot no building shall be located closer than sixty feet to the centerline of the side street or thirty feet from the street line, whichever is greater.
4. LOT AREA PER FAMILY. The minimum lot area shall be three thousand five hundred square feet per family.

C. PARKING REGULATIONS. Two off-street parking spaces shall be provided for each dwelling unit. (For additional parking requirements see Section 24.)

D. PLANNED ZONING REQUIRED. No building or group of buildings shall be constructed in this District until said property is zoned under the planned zoning criteria set out in Section 6 of this code.

In order to protect the sensitive environment, no lot(s) shall be altered until a residential structure is to be erected. As of this date, all unplotted lots will be in compliance with the adjoining covenants.

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SECTION 11. DISTRICT RP-4. MEDIUM DENSITY RESIDENTIAL DISTRICT

A. **PERMITTED USES.** In a District RP-4 no building, structure, land or premises shall be used and no structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for those allowed in District R-1, R-2, RP-3 or for one or more of the following uses:

1. Medium density apartment buildings of no more than 12 units per acre:
2. Housing for senior adults and of a single or multi-family nature.

B. **HEIGHT AND AREA REGULATIONS.** In District RP-4 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows provided any Standard Single Family Residential, Two-Family Residential, or Cluster Homes, Townhouse or Garden Apartment construction in District RP-4 shall conform to the requirements of Section 8, Section 9, or Section 10, as applicable, of this Zoning Code:

1. **HEIGHT.** Buildings and structures shall not exceed three stories, provided all buildings exceeding two stories shall be equipped with elevators.
2. **FRONT YARD.** Any building hereafter constructed shall provide for a front yard the minimum depth of which shall be at least sixty-five feet measured from the centerline of the street or thirty-five feet from the front lot line, whichever is greater.
3. **SIDE YARDS.** There shall be a side yard of not less than twenty-five feet on each side of the building. On corner lots no building shall be located within sixty feet of the centerline of a public street or thirty feet of the lot line, whichever is greater.
4. **REAR YARD.** The depth of the rear yard shall be not less than fifty feet.
5. **LOT AREA PER FACILITY.** Every medium density apartment house and every senior adult dwelling hereafter constructed shall provide a lot area per unit of not less than the following:

4 Bedroom Unit	3,000 square feet
3 Bedroom Unit	2,700 square feet
2 Bedroom Unit	2,400 square feet
1 Bedroom Unit	2,000 square feet
6. **WHEN MULTIPLE BUILDINGS** are located on one parcel, the spacing between buildings shall conform to the provisions of the Arkansas State Fire Code.

C. **PARKING REGULATIONS.** Two off-street parking spaces shall be provided on the premises for each two or more bedroom dwelling units and one space for each unit having one bedroom. (See Section 24 for additional parking requirements)

In order to protect the sensitive environment, no lot(s) shall be altered until a residential structure is to be erected. As of this date, all unplotted lots will be in compliance with the adjoining covenants.

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SECTION 12. DISTRICT RMP, MANUFACTURED HOME DISTRICT

A. WHERE PERMITTED

Except as provided in Sec. 22, a manufactured home may be permitted in the City only in an approved manufactured home subdivision. Only manufactured homes are permitted in this district.

B. MINIMUM STANDARDS FOR MANUFACTURED HOME SUBDIVISIONS

1. **SIZE AND DENSITY OF SITE.** No manufactured home subdivision shall have a site smaller than five acres. The overall density for manufactured home subdivisions shall be not more than five mobile per acre.
2. **STANDS AND SKIRTS.** Each manufactured home installed following the adoption of this code shall be equipped with skirts on all sides, such skirts to be of material harmonious to the manufactured home structure, and installed within ten days of home placement.
3. **ANCHORING.** All manufactured homes installed within the City following the adoption of this code shall be anchored to the ground by means of anchors attached both to the frame and with straps extending in accordance with the manufacturer's standards or those provided by the Arkansas Manufactured Housing Commission.
4. **STREETS AND DRIVES.** All public streets within the subdivision shall be improved to City standards for residential streets. There shall be at least two street or drive openings into the park providing ingress and egress. All private drives shall be not less than 20 feet in width and be surfaced with at least six inches of compacted stone base with not less than two inches of hot mix bituminous concrete as the surface course, or equal, as determined by the City Council.
5. **PARKING.** At least two parking spaces for each manufactured home shall be provided within forty feet of the manufactured home. Such parking spaces shall be off the public street or private drive, and each shall be not less than nine feet by twenty feet in size, and shall be surfaced to at least the standard set out for private streets.
6. **OPEN SPACE.** At least ten percent of the development shall be allocated and equipped for park and playground. Each home shall be located so that no part of one home, including canopies, awnings, carports and other protrusions, is closer than twelve feet to another home, or to the edge of the surface of a drive. No home shall be located closer than twenty-five feet to the boundary line of the subdivision or closer than twenty-five feet to a public street.
7. **UTILITIES.** All wastewater shall be disposed of through a septic sewer system and treatment facility, the plans of which shall be approved by the City Council prior to construction. All solid wastes shall be disposed of by accumulation in tight containers, and removed at regular intervals. All power and telephone lines shall be underground, and shall be in compliance with standards of the utility corporation involved. The site of the subdivision shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the area or adjacent property. The proposed drainage system shall be approved by the City Council prior to construction of streets or other portions of the subdivision.

D. ZONING PROCEDURE. The zoning of land to District RMP shall be in accordance with

the procedures of Planned Zoning set out in Section 6. The decision of the Commission to recommend approval or denial of the proposed manufactured subdivision shall be based upon the following criteria:

1. The proposed project will be in harmony, in general, with the long range plans of the City of Cherokee Village.
2. Two or more routes of safe and efficient ingress and egress for vehicular and pedestrian traffic and an adequate level of utility and other services are assured.
3. A safe and healthful living environment will exist for the occupants of the subdivision.
4. The plans for the subdivision indicate that the development shall be in harmony with neighboring property.

Upon hearing and consideration of the project, the Commission shall, at the earliest date possible, submit its recommendation and an endorsed copy of the plans to the City Council for final action. All final plans, including detailed landscaping plans, and signs to be allowed shall be reviewed by the Planning Commission and be approved by that body prior to the beginning of grading or other construction of the subdivision.

E. EXCLUSION IF PLATTED. The requirements for minimum yard spaces, street design and construction, parking spaces and underground utilities enumerated above shall not apply to a manufactured home subdivision that has been platted prior to enactment of this code and a substantial portion developed.

In order to protect the sensitive environment, no lot(s) shall be altered until a residential structure is to be erected. As of this date, all unplotted lots will be in compliance with the adjoining covenants.

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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 13-21; Block 7, lots 1-21; and Block 8, lots 9-42, to allow for both conventionally built and manufactured homes and shall read;

SECTION 12A. 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 conventionally built, modular, pre-fabricated, or manufactured home built in accordance with the Arkansas State Residential Fire Code, 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 7 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 PITCH. 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 conventionally-built homes, such as vinyl, wood, or other material as approved by the Planning 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 lot(s) shall be altered until a residential structure is to be erected. As of this date, all unplotted lots will be in compliance with the adjoining covenants.

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SECTION 13. DISTRICT CP-O NON RETAIL BUSINESS DISTRICT

A. **PERMITTED USES.** In district CP-O 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. Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies;
2. Other offices limited to the following:
 - a. Answering and Secretarial services,
 - b. Architects,
 - c. Brokers and accountants,
 - d. Engineers,
 - e. Dentists,
 - f. Lawyers,
 - g. Physicians, osteopaths, chiropractors and others of the healing arts,
 - h. Real Estate and insurance,
3. The design, editing, copying and sale of computer software but not the manufacture, assembly or sale of computer hardware or accessories.
4. Mortuaries;
5. Hospitals, clinics, laboratories and other treatment and diagnostic facilities for the medical arts for humans only;
6. Fire and Police stations; facilities owned/operated by a government agency;

B. **HEIGHT AND AREA REGULATIONS.** In District CP-O the height of buildings, the minimum dimensions of lots and yards shall be as follows. (For exceptions see Section 23.)

1. **HEIGHT.** No building or structure shall exceed two stories in height.
2. **FRONT YARD.** A front yard of not less than twenty-five feet shall be provided.
3. **SIDE YARDS.** There shall be a side yard of not less than twelve feet on each side of the building. On a corner lot no building shall be located closer than twenty-five feet to a public street.
4. **REAR YARD.** The depth of the rear yard shall be at least twelve feet.

C. **PARKING REGULATIONS.** Four off-street parking spaces shall be provided on the premises in the side or rear yard for each one thousand square feet of floor area. (See Section 24 for additional parking requirements.)

D. **CONVERSION OF BUILDINGS.** No building that was designed and constructed as a residential building shall be converted for use as an office building.

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SECTION 14. DISTRICT CP-1 LOCAL BUSINESS DISTRICT

A. PERMITTED USES. In District CP-1 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 those allowed in District CP-0 or for one or more of the following uses:

1. Shops and stores for sale at retail of such goods as foods and beverages for humans or pets; furniture and appliances; printed materials; notions; hardware and paint; kitchenware; toys and sporting goods; jewelry, gifts and novelties; flowers, tobacco products, photographic equipment, antiques, artists, office and hobby supplies and products; music supplies and medical supplies; bicycles; electronic equipment;
2. Services such as business offices, banks and savings and loan associations, insurance, barber and beauty shops, schools, optical shops, seamstress and tailoring, dry cleaning and laundry stores including coin-operated, eating establishments, interior decorator, photographer, shoe repairs; clinics, massage and health spas; small animal hospitals; day care;
3. Offices of all types, including post offices, public or privately owned utilities offices.

B. PERFORMANCE STANDARDS. The following standards shall not be exceeded by any use in this district:

1. No merchandise or equipment shall be stored or displayed outside a building;
2. All products shall be sold and all services rendered inside a building except that banks, savings and loan establishments and government buildings may have drive-through and walk-up service.
3. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

C. HEIGHT AND AREA REGULATIONS. In District CP-1 the height of buildings, the minimum dimensions of lots and yards permitted on any lot shall be as follows. (For exceptions see Sec. 23, Height and Area Exceptions)

1. **HEIGHT.** Buildings or structures shall not exceed two stories.
2. **FRONT YARD.** A front yard of not less than thirty feet shall be provided.
3. **SIDE YARDS.** There shall be a side yard on each side of the building of not less than twelve feet on each side of the building. On a corner lot no building shall be located closer than twenty-five to a public street.
4. **REAR YARD.** The depth of the rear yard shall be at least twelve feet.

D. PARKING REGULATIONS. Four off-street parking spaces shall be provided on the premises for each one thousand square feet of floor area. (See Section 24 for additional parking requirements.)

E. CONVERSION OF BUILDINGS. No building that was designed and constructed as a residential building shall be converted for use as an office building or other business purpose.

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SECTION 15. DISTRICT CP-2 GENERAL BUSINESS DISTRICT

A. **PERMITTED USES.** In District CP-2 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 those allowed in District CP-0, CP-1 or for one or more of the following uses:

1. Shops and stores for the sale at retail or wholesale of department store merchandise, furniture and appliances, new automobiles and trucks, automobile supplies, petroleum products, pets.
2. Services such as clubs, hotels and motels, places of assembly, automobile repair in connection with new auto sales or gasoline service stations, dry cleaning and laundries, appliance and small equipment repair, printing and publishing, custom maintenance, handcrafting, health and therapeutic services, delivery services, radio and television broadcasting studios, entertainment and recreation, places where alcoholic beverages are served, charity and welfare.

B. PERFORMANCE STANDARDS

1. Drive-through or drive-in services may be provided.
2. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
3. Automobiles and trucks for sale may be stored or displayed outside a building but not within fifty feet of a street line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that required by this Code. The sale outside a building of merchandise that is not a part of the normal stock-in-trade of the principal business on the premises is not allowed unless a land use permit has been issued by the Building Official as set out in Sec. 25. Due consideration shall be given to public safety, possible adverse effects on neighboring property and the level of maintenance and appearance that can be assured. Violation of the terms and conditions of the permit shall be cause for revocation.

C. **HEIGHT AND AREA REGULATIONS.** In District CP-2 the height of buildings and the minimum dimensions of lots and yards shall be as follows: (For exceptions see Section 23.)

1. **HEIGHT.** Buildings or structures shall not exceed two stories in height.
2. **FRONT YARDS.** A front yard of not less than thirty feet shall be provided.
3. **SIDE YARDS.** There shall be a side yard of not less than twelve feet on each side of the building. On a corner lot no building shall be located closer than twenty-five feet to a public street.
4. **REAR YARDS.** The depth of the rear yard shall be at least twelve feet.

D. **PARKING REGULATIONS.** Four off-street parking spaces shall be provided on the premises for each one thousand square feet of floor area. (See Sec. 24 for additional parking requirements.)

E. **CONVERSION OF BUILDINGS.** No building that was designed and constructed as a single-family, two-family or multi-family dwelling shall be converted to or hereafter used for business purposes.

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SECTION 16. DISTRICT CP-3 SERVICE BUSINESS DISTRICT.

A. PERMITTED USES. In District CP-3 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 those allowed in District CP-0, CP-1, CP-2 or for one or more of the following uses:

1. Shops, stores and yards for the sale at retail or the rental of such items as automotive equipment, trucks, trailers, boats, camping accessories, tools, building supplies, lawn accessories, trees and shrubs.
2. Services such as automobile repair and washing, miniature golf and recreation parks, general repair and fixit shops, small article storage for public use commonly called mini-warehouses.
3. Nurseries and greenhouses.
4. Manufacture or assembly of products to be sold only at retail on the premises.

B. PERFORMANCE STANDARDS.

1. Drive-up or drive-in service may be provided at any establishment.
2. Any manufacturing or assembly of products as permitted above shall be entirely within a totally enclosed building.
3. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
4. Automobiles, trucks, boats and trailers for rent or sale may be stored or displayed outside a building but not within fifty feet of a street line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that required by this Code. The sale outside a building of merchandise that is not a part of the normal stock-in-trade of the principal business on the premises is not allowed unless a land use permit has been issued by the Building Official as set out in Sec. 25. Due consideration shall be given to public safety, possible adverse effects on neighboring property and the level of maintenance and appearance that can be assured. Violation of the terms and conditions of the permit shall be cause for revocation.

C. HEIGHT AND AREA REGULATIONS. In District CP-3 the height of building, and the minimum dimensions of lots and yards, shall be as follows: For exceptions see Section 23.)

1. HEIGHT. Buildings or structures shall not exceed two stories or forty (40) feet in height.
2. FRONT YARD. A front yard of not less than fifty (50) feet shall be provided.
3. SIDE YARDS. There shall be a side yard of not less than twelve feet on each side of the building. On a corner lot no building shall be located closer than twenty-five to a public street.
4. REAR YARD. The depth of the rear yard shall be at least twelve feet.

D. PARKING REGULATIONS. Four off-street parking spaces shall be provided on the premises for each one thousand square feet of floor area. (See Section 24 for additional parking requirements.)

E. CONVERSION OF BUILDINGS. No building that was designed and constructed as a residential building shall be converted to or hereafter used for non- residential purposes

enumerated in this district.

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SECTION 17. DISTRICT MP-1 LIGHT INDUSTRIAL DISTRICT.

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

1. Offices.
2. Manufacturing, processing, fabrication, assembling, disassembling, packaging, repairing, cleaning, servicing, or testing of any commodity except junk salvage or hazardous materials.
3. Warehousing, wholesaling and storage of any commodity except junk, salvage or hazardous materials:
4. Public and private utility facilities.
5. Recycling depository for paper, plastic, glass and certain recyclable metals.

B. PERFORMANCE STANDARDS.

1. All operations shall be conducted within a fully enclosed building.
2. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible at eye level within one hundred feet of the property line; and further provided that storage areas for vehicles such as recreation vehicles shall provide security fencing such that viewing the interior of the property from a street or drive is possible.
3. No use shall be permitted or so operated as to produce or emit:
 - a. Smoke or particulate matter of Number 1 or darker on the Ringlemann Chart.
 - b. Dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious to humans at the property line.
 - c. Vibration or concussion perceptible without instruments at the property line.
 - d. The noise level shall not exceed 75db (A) at any point along the property line.
 - e. Industrial processes and wastes shall be of such quantity and nature as to not overburden sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.

C. HEIGHT AND AREA REGULATIONS. In District MP-1 the height of buildings and the minimum dimension of lots and yards shall be as follows: (For exceptions see Section 23.)

1. HEIGHT. No building or structure shall exceed two stories or forty feet in height.
2. FRONT YARD. A front yard of not less than fifty feet shall be provided.
3. SIDE YARDS. A side yard of not less than fifty feet shall be provided.
4. REAR YARDS. A rear yard of not less than fifty feet shall be provided.

D. PARKING AND LOADING REGULATIONS. Each industrial establishment shall provide sufficient off-street parking space for all employees, customers, visitors and others who may spend time at the establishment during working hours. Such parking spaces shall be on the premises or on other property within two hundred feet of an employee entrance to the building being served. Each establishment shall also provide adequate loading space within a building or on the premises in such a way that all storage standing and maneuvering of trucks and other service vehicles shall be off the public right-of-way. Any office use which is located in this district shall provide parking in the quantity required in the district wherein the use is enumerated. (See Sec. 24 for additional parking requirements)

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SECTION 18. SPECIAL USE PERMITS

A. **PURPOSE.** The development and administration of the Zoning Code is based on the division of the city into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures as related to land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character and possibly adverse impact, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the specific use at the particular location. Such special uses fall into three groups:

1. Uses operated by a public agency or public-regulated utilities, or uses traditionally involving the public interest or welfare; and
2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact on neighboring property or public facilities; and
3. Uses which may reasonably be operated for a short time but which would not be appropriate over the long term.

B. **AUTHORIZATION.** Special uses may be authorized only by the City Council, provided that no application for a special use shall be acted upon by the Council, except as authorized in Sec. 18.G, until after a public hearing is scheduled and notice published and held by the Planning Commission, and its findings and recommendations are reported to Council.

C. **APPLICATION.** An application for special use shall be filed with the Recorder. Such application shall proceed in the manner prescribed herein for amendments to Section 28.

D. **STANDARDS.** No special use permit shall be granted unless the proposed use:

1. Is deemed necessary for the public convenience or will be of substantial benefit to the public;
2. Is so designed, located, and will assuredly be operated in such a manner that the public health, safety, and welfare will be protected; and
3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located; and
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted otherwise.

E. **CONDITIONS.** The Planning Commission may recommend and the City Council may provide such conditions and restrictions on the construction location, and operation of a special use including time limit, off-street parking and loading and other conditions as may be deemed necessary to promote the general objectives of this Code and to minimize any injury to the value of property in the neighborhood. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the permit for such special use.

F. **USES WHICH MAY BE PERMITTED.** Any of the following uses may be located in any district by special use permit:

1. Amusement parks, privately owned baseball or athletic fields;
2. Cemeteries, mausoleums, columbariums, or crematories for the disposal of the dead;
3. Clubs;
4. Golf driving ranges, commercial or illuminated;
5. Gun clubs, skeet shoots, target ranges, indoor tennis and similar recreation structures;
6. Hospitals or veterinary clinics;

7. Camping areas, campground or RV Park;
8. Nursery sales office, building, greenhouse, or area;
9. Nursing and convalescent homes;
10. Dog kennels and animal shelters;
11. Private schools;
12. Radio, television and microwave towers;
13. Reservoirs, towers, filter beds, or water treatment plants;
14. Riding stables and tracks;
15. Sewage or refuse treatment, recycling depositories, land-fills, composting;
16. Storage yards and buildings for boats, recreation vehicles and similar items;
17. Buildings, structures, and premises for public utility services, or public service corporations;
18. Temporary uses of land or buildings for commercial or industrial purposes, or for, the keeping of animals other than customary household pets, or for the storing of motor homes and other recreation vehicles and equipment, provided that any building or structure constructed thereon which is not otherwise permitted in the District in which it is situated, shall be temporary, and any such animals, equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than two years but may be renewed after a public hearing;
19. Assembly halls, community centers, philanthropic organizations;
20. Group care centers, including pre-schools, day care and adult care;
21. Off-street parking lots or structures of a temporary or permanent nature;
22. Special housing for persons who have special and unusual housing needs, including but not limited to, persons 55 years of age and over, persons who are handicapped and children and adults who require housing separate from their natural homes or families;
23. Bed and breakfast homes;
24. Roadside sale of produce, flowers and similar small items;
25. The cutting and removal of trees for commercial or industrial purposes, commonly referred to as "logging" may be permitted under the following conditions:
 - a. The area to be logged shall be on the periphery of the city in order that hauling will not pass through the community or any portions thereof.
 - b. City streets shall not be used by trucks transporting such logs or logging equipment. Any person, firm or corporation found guilty of violating this provision shall be subject to a fine as stated in the Ordinances of the City of Cherokee Village.
 - c. Hauling may take place only during weather conditions when soil will not be carried onto public streets or highways.
 - d. The special use permit may, if deemed in the public interest, include requirements for surety guaranteeing protection of, repair or replacement of, any property owned by others that is damaged in the logging or hauling process.
 - e. The special use permit may include specifying certain land areas which may not be logged due to potential of soil erosion, silting or damage to the scenic quality of nearby property or bodies of water.
 - f. A special use permit is not required for the logging of property during the period of six months following the enactment of this code provided no public streets within the city limits shall be used in the process and provided that all logging operations shall cease at the end of the three-month period and remain inactive until such time that a special use permit may be approved. It is further provided

that the city council may order the immediate termination of logging operations if it is found that such operations are wholly or in part responsible for soil erosion that is depositing silt into City lakes or river.

- g. A special use permit is required for the clearing of any lot. The lot may be cleared of brush and small trees under the diameter of two inches (2"). All brush and small trees that have been cut must be either mulched and spread evenly on said lot or completely removed. This must be completed at the time of the clearing. Any person, firm or corporation found guilty of violating this provision shall be subject to a fine as stated in the Ordinances of the City of Cherokee Village. When a real estate agent, company or corporation contracts to have a lot cleared for sale, they will be responsible for a permit and will be held entirely responsible for any fines.

G. SHORT TERM SPECIAL USES. The City Council may authorize the issuance of a Short Term Special Use Permit for the use of a specific tract, parcel or section of the city for such temporary short term uses as:

1. Trade Shows
2. Street Fairs
3. Expositions such as art fairs, boat shows, etc.
4. Promotional ventures
5. Entertainment and recreation including carnivals and circuses
6. Sidewalk, truckload sales.

Such activities may be a non-profit, profitmaking, civic or public agency nature and may be on private or public property. A short-term special use permit, valid for not more than ten consecutive days, may be approved by the City Council upon public hearing and without referral to the Planning Commission.

H. GARAGE SALES

1. Includes what are commonly known as yard sales, carport sales, garage sales, porch sales, patio sales and any other sales from a person's residence.
2. The above sales are restricted to three (3) days in duration and shall not be held on the same premises more than four (4) times in a one (1) year period.
3. It shall be unlawful for any person to conduct such home sale in a place or in a manner which blocks or obstructs vehicular traffic or in any way creates a hazardous driving condition. The Chief of Police or his officers shall have authority to discontinue the home sale if a sale blocks or obstructs vehicular traffic or creates a hazardous driving condition.
4. A person hosting a property-specific event may post a sign the morning of the event and shall remove the sign at the end of the final day of the event. It is not permitted to place signs on utility poles state highway signs, and improvement district signs.

I. SCHOOL BUS PARKING

1. All City of Cherokee Village property owners residing within the city limits of Cherokee Village and employed as school bus drivers as of September 1, 2005 for the Highland School District, shall be permitted to continue to operate and park those buses under the following conditions:
 - a. School bus must be parked on the driver's personal property and not on a public

- street, road, lane or other thoroughfare within the city limits of Cherokee Village
- b. Operation and parking of said vehicle will occur only during the normal school year, including summer school and holidays, as established by the Highland School District school calendar.
 - c. School bus drivers affected by this ordinance have 30 days from the date of its adoption to provide City Hall and/or City's designee the following information: name, address, telephone number and parking location of bus on their property. Failure to comply will subject violator to citation.
2. The foregoing provision shall apply only to those drivers fulfilling the criteria as stated in Section 1 above. Any persons living in Cherokee Village employed as school bus drivers after the adoption of this amendment shall comply with the Ordinances of the City of Cherokee Village.
 3. When the persons to whom this amendment applies retire and/or are no longer employed as school bus drivers for the Highland School District, the provision set forth in Section 1, become null and void and the provisions of the Ordinances of the City of Cherokee Village regarding prohibiting parking of buses shall be in effect.

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SECTION 19. ACCESSORY USES.

A. GENERAL REGULATIONS. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

B. ELIGIBILITY OF ACCESSORY USE. The determination of the eligibility of a proposed use as an accessory use shall be made by the City Building Official and appeal can be made from his decision as set out in Section 27.

C. DISTRICTS A, R-1 AND R-2

1. HOME OCCUPATIONS

- a. Architect
- b. Artist
- c. Author or writer
- d. Clergyman
- e. Contractor
- f. Engineer or surveyor
- g. Lawyer
- h. Seamstress-dressmaker
- i. Teaching or instruction provided not more than three students are taught at any one time and not more than twelve students per day.
- j. Day care home for a maximum of four children unrelated to the operator.
- k. Informal and occasional study groups such as literary and religious discussion activities in a home.
- l. Other uses with identical operations and impacts as the above.

2. CONDITIONS. The following conditions and restrictions shall apply to such customary home occupations:

- a. That the primary use of the building or structure in which the occupation is situated is clearly the dwelling used by the person as his or her private residence.
- b. That no assistant other than an immediate member of the family household is employed.
- c. That no equipment, machinery or operation is used in such activities that are perceptible off the premises by reason of noise, smoke, odor, dust radiation, electrical interference or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right-of-way.

3. GARAGES AND CARPORTS. For R-1 (single family) dwelling unit there shall be provided not more than three off street parking spaces, not less than one being in the form of a private garage or covered carport. A detached garage shall be located no closer to the front lot line than the existing residence, nor less than ten feet from any side or twenty-five feet from any rear lot line, and in the case of corner lots, not less than the distance required for residences from side streets. A garage constructed as an integral part of the main building shall be subject to the yard regulations affecting the main building. For R-2 (two family dwelling) not less than two off-street parking spaces, one in the form of a garage or carport shall be provided on the premises for each dwelling unit.

4. STORAGE OF EQUIPMENT, MATERIAL OR VEHICLE.

The parking of an automotive passenger vehicle shall not occur on lawn areas, unpaved public right-of-way or other locations which tend to visually downgrade the property and neighborhood. Parking shall be limited to areas that are surfaced and shall generally be located near the otherwise vehicle-oriented section of the premises so that the lawn area upon which the living section of the dwelling faces can be attractively maintained with landscape materials. No trucks over one (1) ton shall be parked on a residential lot. Buses shall not be parked on a residential lot. Recreation vehicles or boats may be parked, stored, or kept as set out in Sec. 22.

5. STORAGE BUILDINGS. On a single residential lot where a residence is located, one building or shed, not exceeding twelve feet by sixteen feet (12' x 16') in dimension and not exceeding ten feet in height shall 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 and roofing material, 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 29 or stronger. All storage buildings must be on level ground and on a concrete foundation or concrete pad and skirted to ground level. If concrete blocks are used for leveling, a pier style construction manner must be used with approved footings and tie downs. No storage building may be located over the septic tank, leach field or sand filter. There is a limit of one (1) storage building per single family residence and one (1) storage building per adjacent owned lot.
6. DISH ANTENNA. A television receiving dish antenna greater than four feet in diameter shall not be permitted. A dish antenna having a diameter of four feet or less does not require a permit and may be located at or on the residence structure.

D. DISTRICTS RP-3 AND RP-4

In the RP-3 and RP-4 districts, permitted accessory uses as permitted in Par. B. above plus the following: Parking areas, signs as permitted by code, recreation areas including tenant used swimming pools and minor recreation buildings, waste collection enclosures, power generators, vending machines for tenant use, dish antenna and other similar uses.

E. DISTRICTS CP-0, CP-1, CP-2 and CP-3.

In the CP-0, CP-1, CP-2 and CP-3 districts, accessory uses are as follows: Parking areas, signs as permitted by code, vending machines, private garages for motor vehicles, low-level exterior lighting, radio, television, or microwave antennae not exceeding sixty feet in height, flagpoles, screened waste containers, cooling towers and other similar uses. Washing and other passenger car cleaning and repair shall be permitted as an accessory use in service stations.

F. DISTRICT MP-1. In the MP-1 district, permitted accessory uses are as follows: Parking and loading areas, signs as permitted by code, security and screen fencing, radio, microwave, and dish antennae, radio towers not exceeding sixty feet in height, gate house, loading equipment, screened waste containers and other similar uses.

G. HOTELS, MOTOR HOTELS AND CONFERENCE CENTERS. The following are accessory uses within a hotel, motor hotel or conference center: restaurant, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barber shops, flower and gift shops, professional offices, health services.

H. HOSPITALS. The following are accessory uses in connection with a hospital: residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry, recreation facilities and other similar services for hospital personnel, visitors and patients.

I. UTILITY BUILDINGS. Outside storage of materials and equipment is an accessory use in connection with utility companies provided all outside storage is screened from view from off the premises.

J. WASTE CONTAINERS TO BE ENCLOSED. When a waste bin outside a building is necessary to the normal conduct of a business or other activity, it shall be considered an allowable accessory use. All such waste bins shall be enclosed by solid walls or fences of masonry, wood frame or metal in a manner that the bin and its contents cannot be seen from off the property.

K. FENCES. Fences of chain link or other open type metal and wood privacy fences may start at the front corner of the residence and continue to the side property line and to the back property line. Fence shall be kept six (6) inches within the property line and shall be no taller in height than six (6) feet. Fencing around the front of the residence shall be of an open picket type fence and no more than forty-eight (48) inches in height. Fencing in the front of the property shall be a minimum of six (6) inches from the front property line. Notwithstanding the above, for lots bordering on golf courses or lakes, any fences used within fifty (50) feet of such border shall be of an open picket type fence or black or brown vinyl coated chain link fence and no more than forty-eight (48) inches in height.

Any of the accessory uses listed in this Section may be specifically prohibited or further controlled by restrictions written into a special use permit prior to its being approved.

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SECTION 20. SIGNS

Signs are permitted in the various zoning districts as follows:

A. Districts A, R-1 and R-2.

1. While a property is for sale or rent one sign per building or lot, the area of which shall not exceed five square feet, may be placed on the property. A second sign may be placed near the lake, river, or golf course on properties adjacent to those areas, or, on both street sides of a corner lot.
2. Churches and other nonresidential uses may have not more than two signs not exceeding thirty-two square feet each. In addition, minor signs are allowed.
3. One sign is permitted during the time that construction is occurring on a property and which shall be removed upon completion of construction.

B. Districts RP-3 and RP-4.

1. While a property is for sale or rent one sign per building or lot, the area of which shall not exceed five square feet, may be placed on the property.
2. One free standing sign on a multifamily building or group of buildings, not to exceed five square feet. A permit is required for the erection of these signs.

C. District CP-O.

1. One free standing monument sign for each building, not exceeding five feet in height or ten feet in length, the design, materials and location of which shall be approved by the Planning Commission based on appearance and impact but not content.
2. Not more than two wall or canopy signs for each occupant, the size, design and materials of which shall be approved as set out in Par. I. below.
3. A directory not exceeding ten square feet indicating occupants of the building.
4. Minor signs.

D. Districts CP-1 and CP-2.

1. Signs mounted flat against the wall of the building and signs on a canopy.
2. One free standing sign for each building, subject to review as provided in Par. I. below.
3. One free standing sign for each gasoline service station and convenience store.
4. The design, size, material and type of illumination of signs in these districts shall be reviewed and approved as set out in Par. I. below.

E. Districts CP-3 and MP-1.

1. Signs mounted against the wall of the building, not more than two per wall.
2. One free standing sign for each building, subject to review as provided in Par. I. below.
3. The design, size, material and type of illumination of signs in these districts shall be reviewed as set out in Par. I. below.

F. In any district, a tract of land which exceeds one acre in area and is being offered for sale may have one sign not exceeding 32 square feet in area. In any district any sign required by law shall be permitted.

G. In any district, one sign during the time that construction is occurring on a property and which shall be removed upon completion of construction..

H. The following regulations shall apply in all zoning districts.

1.
 - a. Signs hereafter installed, erected or modified shall have the structural integrity and appearance of a permanent sign and shall require a building permit.
 - b. Signs may be placed out the day of an open house and removed immediately after open house. Signs may be placed three (3) days prior to an auction and must be taken down immediately after auction.
2. Signs attached to retail or office buildings or centers which contain more than two tenants shall conform to the following:
 - a. Signs mounted flat against the wall or canopy and one detached sign per building are allowed provided said detached sign is to be reviewed as provided in Par. I below.
 - b. When a sign is replaced or modified on an existing building, it shall reasonably conform in appearance, size and location with the other signs on the building or center.
 - c. In the case of a newly constructed building or center containing more than two tenants, the owner shall prepare sign standards prior to approval of final plans, such standards to be subject to review and approval by the Planning Commission. The owner of said building or center shall thereafter be responsible for enforcing said standards by way of leasing agreements.
3. Signs within a building are excluded from these standards.
4. Signs in Districts CP-1, CP-2 and CP-3 may be illuminated by light source not visible at eye level.
5. Where Cherokee Village property fronts on Hwy 62/412 building permits may be granted for permanent signs larger than herein described only after review and approval of the Planning Commission as described below.
6. No sign shall be installed within 20 feet of any Adopt-A-Spot location.

I. PLANNING COMMISSION REVIEW

All signs in District CP-O through MP-1 which require planning commission review as set forth above shall be approved or denied based on the following standards:

1. The design, size and material shall be in general harmony with any existing, adjacent or nearby signs.
2. The sign shall be designed, constructed and printed by an established sign company unless specifically waived by the planning commission
3. No sign shall be installed that would be hazardous to pedestrian or vehicular traffic.
4. No wall sign or group of signs shall be of a size that would be disproportionate to the area of the facade on which it is placed. A total sign area greater than 25% of the area of the facade is considered disproportionately large.
5. Detached signs may be denied if they would unreasonably block visibility, detract from the architectural integrity of nearby buildings or be of such size, intensity of illumination or general design that the effectiveness of other nearby signs would be unreasonably diminished.
6. Detached signs may not protrude over the right of way of a public street or within three feet of the curb face of a private street.
7. The planning commission shall not review signs for content.

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SECTION 21. PROHIBITED USES

A. **GENERAL:** Because of the possibility of vermin, germs, accidents, noxious fumes, destabilization of property values, and fire, the planning commission deems that certain land uses pose a threat to the public health safety and welfare. Therefore, no lot, parcel or tract of land shall be used, and no building or structure shall be used for any of the following uses: abattoirs; fertilizer manufacture; dumping, reduction or incineration of waste, dead animals, offal, or refuse; storage, curing or tanning of raw hides or skins; refining of petroleum or coal; slaughter of animals or fowl or the raising of fowl or livestock; dog breeding/dog kennels; auto salvage, painting, or stripping, scrap iron or junk; storage or processing or sale except for one (1) residents' personal car, which must be parked on the driveway only - one personal vehicle may be sold at a time. No collection of trash, junk, old tires, old appliances, etc. on lot. No burning other than yard waste.

B. **MOBILE HOMES:** Mobile homes, as defined herein, pose a threat to public safety due to outdated and dangerous building techniques and materials. They are prohibited on all properties within the City of Cherokee Village.

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SECTION 22. MANUFACTURED HOMES, RECREATION VEHICLES, TRAILERS AND BOATS.

A. MANUFACTURED HOMES WHERE PERMITTED.

1. Except as provided in Subsection 2 and 3, below, manufactured homes may be permitted only in an approved Manufactured home subdivision.
2. A manufactured home may be permitted elsewhere in the City by resolution of the City Council for the purpose of providing temporary housing following a disaster, such as fire, windstorm or flood provided such manufactured home is removed within six (6) months of its original placement.
3. One or more manufactured homes or trailers may be used as a temporary office or other nonresidential structure on the site of a construction project, including banks, provided such structure shall be removed upon completion of the project.

B. RECREATION VEHICLES

Recreation vehicles, as defined in Sec. 3 may be parked, stored, or kept in Districts R-1 through RP-4 under the following conditions:

1. Not more than two recreation vehicles, including boats (of which one may exceed 25' in length and of which one may be capable of human habitation or camping purposes), may be parked or stored outside a building or carport.
2. All such vehicles shall bear a current license and/or registration stickers.
3. No recreation vehicle exceeding thirty-five feet in body length, or exceeding thirteen feet in overall height, excluding air conditioning equipment, may be parked or stored overnight on a public street, whether paved or not. Temporary parking of RV's will be permitted adjacent to the street for up to 72 hours for visitors or owners who are either loading for or unloading from a trip.
4. Stored RV's shall not be used as living quarters, but may be used for temporary quarters for visitors for not more than 72 hours.
5. Recreation vehicles will be parked and stored as close to the house as practicable and in all cases on prepared surfaces at least twenty-five feet off the street, except as noted in paragraph 3 above.
6. Converted buses (regardless of the Department of Motor Vehicle description) are not considered customary recreation vehicles and may not be parked, stored or otherwise kept in a residential district.
7. Unpowered boats less than fourteen (14) feet in length and canoes are not subject to the above limitations.

C. MINIMUM STANDARDS FOR MANUFACTURED HOME SUBDIVISIONS. See Section 12.

D. MOBILE HOMES

Mobile homes, as defined in this code, are prohibited on any land within the city of Cherokee Village.

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SECTION 23. HEIGHT AND AREA EXCEPTIONS

A. **GENERALLY.** The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, side yards, rear yards and other regulations and requirements as set out in the foregoing sections of this Code shall be subject to the following exceptions and additional regulations.

B. **HEIGHT.** In any district, public or semipublic buildings, such as hospitals and churches, may be erected to a height not exceeding forty feet. Flagpoles, chimneys, cooling towers, elevator bulkheads, penthouses, finials, tanks, ornamental towers, monuments, cupolas, domes, spires, standpipes, and other necessary mechanical appurtenances may be erected as to height in accordance with other local regulations.

C. **OFFICIAL LINE FOR FUTURE WIDENING OR OPENING OF STREET.** Where an official line has been established by the City Council or State Highway Commission for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official right of way line to the nearest line of the building.

D. **REQUIRED YARD OR COURT TO BE OPEN-EXCEPTIONS.** Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for trees and the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a minimum yard more than four feet; and provided further that canopies or open porches having a roof area not exceeding sixty square feet may project a maximum of six feet into a required rear yard and unroofed porches or decks extending into a required yard shall not be enclosed.

E. **SIGHT DISTANCE ON CORNER LOTS.** No fence, wall, hedge or shrub or tree planting which obstructs sight lines at elevations between two and eight feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet from the intersection of the street lines. The same sight line limitations shall apply within ten feet from the intersection of a street property line with the edge of a driveway.

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SECTION 24. PARKING AND LOADING REGULATIONS.

A. REQUIRED FOR ALL STRUCTURES ERECTED AND FOR CERTAIN USES OF VACANT LAND. For all buildings or structures hereafter erected constructed, reconstructed, moved or altered, and for all uses of vacant land which generate vehicular traffic, off-street parking in the form of garages or open areas made available exclusively for that purpose shall be provided. Such parking spaces shall be located entirely on private property with no portion except the necessary drives extending into any street or other public way. Except for those uses listed below, parking spaces shall be provided as set out in Sections 7 through 18.

For the following uses, one off-street parking space shall be provided for each:

- a. Two employees
- b. Three beds or three seats
- c. Two staff and visiting doctors
- d. As determined by Planning Commission

USE KEY

Churches, theaters and other seating facilities	(b)
Libraries	(d)
Hospitals, or homes for convalescent	(b) & (c)
Assembly halls, conference centers	(d)
Mortuaries	(a) & (b)
Theaters	(b)
Housing for senior adults	(d)

B. USES NOT LISTED. Any use not included in the parking requirements in this code shall be assigned a parking requirement by the Planning Commission.

C. DIMENSIONS OF PARKING AND OTHER PAVED AREAS. Parking stall dimensions shall be not less than nine by twenty feet plus the necessary space for maneuvering into and out of the space. For parking lots the minimum cross dimensions shall be as follows.

90 degree pattern	Single loaded aisle	50 ft wheel stop to opposite curb
90 degree pattern	Double loaded aisle	65 ft wheel stop to wheel stop
60 degree pattern	Single loaded aisle	45 ft wheel stop to opposite curb
60 degree pattern	Double loaded aisle	60 ft wheel stop to wheel stop
45 degree pattern	Single loaded aisle	40 ft wheel stop to opposite curb
45 degree pattern	Double loaded aisle	55 ft wheel stop to wheel stop
Parallel spaces	9 x 23 feet each space	

Drives to parking areas, service areas, loading docks and other on-site facilities served by or serving motor vehicles shall not exceed forty feet in width measured at a point where drive curbs are generally parallel. Head-in parking, where vehicles use a part of a public street right of way for entering or backing from a parking space, or where any part of the parked vehicle occupies street right of way shall not be permitted.

D. IMPROVEMENT OF PARKING AREAS. All parking areas and drives, including those used for dwellings, shall be ready for use upon occupying a building and shall be surfaced with a minimum of two inches of hot-mix asphaltic concrete on a minimum four inch compacted stone base, or four inches of hot mix asphaltic concrete, or four inches of Portland cement concrete. The Building Official may grant an extension by issuing a temporary certificate of occupancy when weather conditions are not satisfactory for placing paving materials. No parking spaces shall be located within six feet of an adjoining lot in a District R-1, R-2, R-1MH, RP-3, RP-4 and RMP inclusive. Any lights used to illuminate the parking area shall be so arranged as to direct light away from any adjacent premises in a residential district. In addition, the following regulations shall apply:

1. In Districts R-1, R-2, R-1MH, RP-3, RP-4 and RMP inclusive, no parking shall be permitted in the required front yard or within ten feet of a public street, except that parking of motor passenger cars shall be permitted in customary driveways of single and two family dwellings.
2. In Districts CP-O, CP-1, CP-2, CP-3 and MP-1 inclusive no parking area shall extend closer than ten feet to a street, measured to the back of the curb of the parking area.
3. A portion of the parking area required by this Code may remain unimproved until such time as the City Council deems it must be improved to adequately serve current parking demand. A permit for construction of such delayed improvement may be issued only after the Planning Commission and Council are satisfied that the initial occupancy of the premises will be adequately served by the lesser number of spaces and only after approval by both bodies of a final development plan indicating clearly the location pattern and access to and from the initial and the delayed parking spaces. The land area so delineated for future parking shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading or other purposes.
4. All parking areas except those serving single and two family dwellings shall be striped to clearly designate parking spaces.
5. Handicapped parking to regulations where required by law.

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SECTION 25. ENFORCEMENT.

A. BUILDING OR LAND USE PERMIT REQUIRED. The Building Official or his duly authorized representative shall be empowered to act within the provisions of this Code upon all applications for permits. In the event that the Building Official refuses a permit and the applicant disputes the interpretation of the regulation governing the refusal, the applicant shall have the right to appeal to the Board of Zoning Adjustment to rule on the interpretation, as set in Section 27.

B. BUILDING PERMIT

1. No building or structure, including manufactured homes, shall be erected, added to, installed or altered until a permit therefore has been issued by the Building Official. Except upon a written order of the Board of Zoning Adjustment, no such building permit shall be issued where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Code or other ordinances.
2. There shall be submitted with an applications for structural building permits one copy of a hand drawn layout or site plan, the exact size and location on the lot of the building and any accessory buildings to be erected, parking and any loading areas including access thereto, and such other information as may be necessary to determine and provide for the enforcement of this Code (Other codes and ordinances may require additional drawings). In the case of building permits in planned zoning districts RP-3 through MP-1, the Building Official shall refer all plans which involve new building or parking lot construction or enlargement to the Planning Commission for review and approval prior to issuance of a building permit.

C. LAND USE PERMIT. No open, vacant or unimproved land shall be used for any purpose other than agricultural without first obtaining a land use permit. Land use permits shall be required for, but not limited to the following uses:

1. Parking lots not included in a building permit.
2. Used car or auto storage lots.
3. Machinery, equipment or materials storage yards not included in a building permit.
4. Skeet shoots or target ranges.
5. Public or semipublic recreation areas, such as ball parks, golf courses, race tracks, fairs, and similar temporary or permanent uses.
6. Refuse dumps or landfills
7. Cemeteries
8. Nurseries
9. The sale outside a building of merchandise that is not a part of the normal stock-in-trade of the principal business on the premises. The permit may be issued by the Building Official after due consideration has been given to public safety, possible adverse effects on neighboring property and the level of maintenance and appearance that can be assured. Violation of the terms and conditions of the permit shall be cause for revocation.

D. NONCOMPLIANCE WITH RIGHT-OF-WAY REQUIREMENTS. In any case where the abutting right-of-way does not comply with City requirements a building or land use permit shall not be issued for the lot or tract until title for the required additional right-of-way has been conveyed to the city according to established procedures.

E. OTHER CONTROLLING FACTORS. The issuance of a permit by the City Building Official does not override the need to satisfy other controls which may be contained in declarations of covenants and restrictions separate from this Code.

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SECTION 26. PERIOD OF TRANSITION.

Any building or structure for which a building permit has been issued by the Architectural Control Committee of the City of Cherokee Village on the date of the enactment of this Code may be constructed, reconstructed or altered in accordance with said permit. In addition, during a period of ninety days following the adoption of this Code a permit may be issued for any building or structure for which plans were substantially complete on the date of the adoption of this Code provided the Building Official, in his judgment, is convinced the plans were indeed prepared in good faith and that substantial and undue hardship would prevail if the construction were not allowed to proceed. Such building, structure or site conditions may not conform in all respects with this Code but shall conform to the Covenants and Restrictions adopted by the City of Cherokee Village and other codes of the City of Cherokee Village and the State of Arkansas. This period of transition shall terminate ninety days following the date of the adoption of this Code and thereafter all permits for construction shall require full conformance with this Code. In all cases of such noncompliance during this period of transition, construction shall begin within ninety days of the adoption of this Code or full compliance herewith shall be required.

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SECTION 27. BOARD OF ZONING ADJUSTMENT

A Board of Zoning Adjustment in the City of Cherokee Village is hereby created. Said Board shall consist of seven members, which shall be members of the City Planning Commission. A quorum shall consist of four members. The Board shall have the following functions:

- A. Hear Appeals from the decision of the Building Official with respect to the enforcement and application of this Code, and may affirm or reverse, in whole or in part, the decision of said Building Official, and,
- B. Hear requests for variance from the literal provisions of the Zoning Code in instances where strict enforcement of the Code would cause undue hardship due to circumstances unique to the individual property under consideration and grant such variance only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of this Code.

The Board shall not permit, as a variance, any use in a zone in which it is not permitted under this Code. The Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.

The Board shall establish regular meeting dates, adopt rules of conduct of its business, and keep a public record of all findings and decisions. Each session of the Board shall be a public meeting, with public notice of the meeting and business to be carried on, published in an official newspaper with general circulation in the City of Cherokee Village, at least one time not less than seven days prior to the meeting. A decision shall be made by the Board of Zoning Adjustment only after a hearing before the Board has been duly published and held as above stated and all interested parties have been provided an opportunity to be heard.

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SECTION 28. RULES OF PROCEDURE GOVERNING AMENDMENTS AND SPECIAL USE PERMITS.

Applications for amendments, revision or change of the zoning district map or for a special use permit may be made by any person, or his agent, who owns the land for which the rezoning or special use is sought or that owner's designated agent. If such application is made by the owner's agent, the agent shall enter upon the application the name and current mailing address of the owner and include a statement in writing and signed by the owner verifying that the agent is entitled to act on behalf of the owner. Application for amendment, revisions or change of any portion of the Zoning Code, may be made by any interested person. All applications shall be made on forms prescribed by the City and duly filed with the City Recorder-Treasurer.

A. PROCESS FOR REVISING THE ZONING CODE TEXT OR MAP: All revisions to the zoning code or map or for a special use permit shall follow the same procedure unless otherwise noted. Upon receipt of all application material, the enforcement officer shall inform the applicant of the next date at which the applicant may present the request to the planning commission.

The applicant must have a Notice of Public Hearing posted in a newspaper of general circulation in the city at least 15 days prior to the planning commission meeting at which the request shall be heard. This requirement also applies to any revisions initiated by the planning commission itself, whether of its own accord or requested by the city council. Proof of publication must be submitted to the city recorder before the date of the planning commission meeting at which the request will be heard. The public notice will clearly state the nature of the request. If property is to be re-zoned, both a legal description and physical address of property shall be included along with the change in zoning that will be considered. Also, if property is to be rezoned, a notice shall be posted on the front door at city hall and a rezoning sign (provided by the Planning & Zoning Department) posted on the property no less than 15 days before the planning commission meeting at which the request will be heard.

At the planning commission meeting, the planning commission shall hold a public hearing to allow those present to ask questions or make comments about the revision. After the hearing, the planning commission shall review the facts of the request and vote on the request. If the request is approved to change the zoning of a property, the request shall then be forwarded to the city council for action. If the request is denied, the applicant may, within 30 days of the denial, submit a request to the city council for review of the decision. If the request for a special use permit is approved, no city council action is required and the request becomes active.

B. REZONING PROPERTY TO A PLANNED DISTRICT. In addition to the provisions of Section A, the following requirements apply to the rezoning of a planned district. A tract of land may, following the adoption of this Code, be zoned RP-1 RP-2, R-1MH, RP-3, RP-4, RMP, CP-0, CP-1, CP-2, CP-3 and MP-1, inclusive, only upon application by the owner or his agent, or by action initiated by the Planning Commission, and only upon approval of a development plan. The proponents of a planned district shall prepare, pay the rezoning fee and submit to the Building Official:

1. Proof of ownership or contract to buy.
2. A preliminary development plan showing the property to be included in the proposed development, plus the surrounding area within two hundred feet.
3. Proposed location of buildings and other structures, parking areas, drives, walks, public streets, and any existing easements.

4. The planning commission shall hold a public hearing on the preliminary plan as provided herein. At such time as the development may meet with the approval of the Commission, the same shall be duly approved, properly endorsed and identified and sent on to the Council for action.

Upon final approval of the preliminary plan and the rezoning of the tract, final plans for construction may proceed and conformance with the preliminary plan and all supporting documentation is mandatory. All final plans, however, shall be submitted to the planning and zoning office and approved as to compliance with the preliminary development plan prior to the issuance of a building permit. If the concept of development, as depicted on the final plans, deviates substantially from the concept of the preliminary development plan submitted for zoning, the planning and zoning office shall deny the request for final plan approval. The applicant, in case of denial may apply for a new hearing, with publication as required and the Commission and Council may approve or deny the final plans after said hearing. All decisions of the Planning Commission may be appealed to the City Council who may reverse or affirm the same.

C. PROCEDURE UPON RECEIPT OF APPLICATION AND FEE FOR CHANGE. Immediately upon receipt of such application and fee the planning and zoning office shall note thereon the date of filing and make a permanent record thereof. Any such hearing may, for good cause, in the discretion of the planning commission, be continued for a definite time to be specified in the record of the Planning Commission.

D. SUBMISSION OF PLANNING COMMISSION ACTION TO COUNCIL. Following the receipt of the summary of the action of the Planning Commission, the Recorder-Treasurer shall submit the same to the City Council for action approving or disapproving the recommendation of the Planning Commission, provided however, the council may for good cause continue its action or may refer the case back to the Planning Commission for further consideration.

E. LESSER CHANCE THAN REQUESTED. The Planning Commission may recommend and the City Council may approve an application for change in a zoning district which is more restrictive than that requested by the applicant without additional publication and hearing.

F. ACTION BY PLANNING COMMISSION. Recommendations for amendment, revision, change or repeal of the Zoning Code, zoning district map, rules or regulations, may also be made by the Planning Commission upon its own motion or by the City Council, providing the same is first submitted to the Planning Commission for hearing and recommendation. In either case, final action by the City Council shall be taken only after hearing upon publication notice and recommendation, whether favorable or otherwise, by the Planning Commission in the manner hereinbefore provided.

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