

ORDINANCE NO. 2005-06

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

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

SECTION 1:

Change Section 9 of the Zoning Code, District R-2 Two-Family Residential District; A. PERMITTED USES to read, "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:"

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:*

Change B. HEIGHT AND AREA REGULATIONS to read, "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:"

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.

SECTION 2:

Change Section 10 of the Zoning Code, District RP-3 Cluster Homes, Townhouse or Garden Apartment District, A. PERMITTED USES to read, "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:"

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*

Change B. HEIGHT AND AREA REGULATIONS to read "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:”

B. HEIGHT AND AREA REGULATIONS. In District RP-3 the height of buildings, the minimum dimensions of lots and yards, 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:

SECTION 3:

Change Section 11 of the Zoning Code, District RP-4 Medium Density Residential District, A. PERMITTED USES to read, “In District RP-4 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, RP-3 or for one or more of the following uses:”

A. PERMITTED USES. In 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;*
- 2. Housing for senior adults and of a single or multi-family nature.*

Change B. HEIGHT AND AREA REGULATIONS to read, “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, 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:”

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:

SECTION 4:

Change Section 13. District CP-0 Non-Retail Business District, Item B.3. Side Yards to read, “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”; and Item B.4. Rear Yard to read, “The depth of the rear yard shall be at least twelve feet.”

- 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.*

SECTION 5:

Change Section 14. District CP-1 Local Business District, A. PERMITTED USES to read, “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:"

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:

Change Item C.3. Side Yards to read, "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"; and Item C.4. Rear Yard to read, "The depth of the rear yard shall be at least twelve feet."

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 feet to a public street.*
4. *REAR YARD. The depth of the rear yard shall be at least twelve feet.*

SECTION 6:

Change Section 15. District CP-2 General Business District, A. PERMITTED USES to read, "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:"

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:

Change Item C.3. Side Yards to read, "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"; and Item C.4. Rear Yard to read, "The depth of the rear yard shall be at least twelve feet."

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.*

SECTION 7:

Change Section 16. District CP-3 Service Business District, A. PERMITTED USES to read, "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:"

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:

Change Item C.3. Side Yards to read, "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"; and Item C.4. Rear Yard to read, "The depth of the rear yard shall be at least twelve feet."

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.*

SECTION 8:

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

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: September 15, 2005

APPROVED: _____

Ray Maynard
Ray Maynard, Mayor

ATTEST: _____

Susan E. Maynard
Susan E. Maynard, Clerk/Treasurer