

AMENDMENT NO. 2000-01

**AN AMENDMENT TO AMEND THE CHEROKEE VILLAGE
ZONING CODE ADOPTED BY ORDINANCE 99-2 AND FOR OTHER PURPOSES.**

BE IT ORDAINED by the Cherokee Village City Council that the Cherokee Village Zoning Code adopted by Ordinance 99-2 on February 15, 1999, be amended as follows:

SECTION 1.

SECTION 4. GENERAL PROVISIONS

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 specifications listed in this Procedure, and also in accord 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 driveway, 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 maximum amount of water runoff that exists. He will consult with S.I.D. Road Department to determine if a larger diameter culvert is needed.

(d) Culvert pipe shall be made of corrugated metal or reinforced concrete or plastic pipe approved by the state. 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, see Permit Fee Schedule.

SECTION 2.

SECTION 8. DISTRICT R-1A LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

5. LOT AREA PER FAMILY. Every dwelling hereafter erected, moved or altered shall provide a lot area of not less than eighteen thousand (18,000) square feet per family, provided that where a lot has less area than herein required in separate ownership at the time of the passage of this code, this regulation shall not prohibit the erection of a one family dwelling. Where a public or community sewer is not available and in use for the disposal of all wastewater, the ability to construct a dwelling or other habitable building shall be determined by the County Health Officer.

SECTION 3.

SECTION 16. DISTRICT CP-3 SERVICE BUSINESS DISTRICT.

C. HEIGHT AND AREA REGULATIONS.

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.** Side yards of not less than thirty feet shall be provided.
4. **REAR YARD.** A rear yard not less than thirty feet shall be provided.

SECTION 4.

SECTION 18. SPECIAL USE PERMIT

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. Each person conducting a sale shall not post any signs advertising the sale prior to the evening before the sale and shall remove the signs at the end of the final day of the sale. It is not permitted to place sales on utility poles and state highway signs.
5. Refer to Ordinance No. 99-2.4 regarding Penalties for Violations

SECTION 5.

SECTION 19. ACCESSORY USES.

4. STORAGE OF EQUIPMENT, MATERIAL OR VEHICLE.

No equipment, material or vehicle, other than motor passenger vehicles used more or less daily for personal transportation of residents shall be stored for more than seventy-two hours in a thirty day period in a residential district. 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.

SECTION 6.

SECTION 19. ACCESSORY USES.

5. STORAGE BUILDINGS. On a single residential lot where a residence is located, one building or shed, not exceeding 120 square feet in floor size and not exceeding ten feet in height shall be located in the rear yard, side yard but not forward of either front corner of the residence, preferably in an unobtrusive location for purposes of storage but not for residential use. Storage buildings shall be in harmony with the residence in siding material, style and color. There will be no metal commercial storage buildings on residential lots. Buildings must be on level ground, a concrete foundation or concrete pad, or if blocks are used for leveling, they must be constructed in a pier style construction manner. A storage building shall not be located over the septic tank, leach fields or sand filter. There shall be no more than one (1) storage building per single family residence or one storage building per adjacent owned lot.

SECTION 7.

SECTION 19. ACCESSORY USES.

K. FENCES. Fences of chain link or other open type metal and wood privacy fences shall start at the front corner of the residence and shall 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 five (5) 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.

SECTION 8.

SECTION 20. SIGNS

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. Signs which are temporary in nature may be placed on private property:

(b) "For Sale" or "For Rent" signs are allowed on the property only . Open House directional signs may be placed out the day of the open house and removed immediately after open house. Auction directional signs may be placed three (3) days prior to and must be taken down immediately after auction.

(c) Garage sale signs, see Section 18.H.

SECTION 9.

SECTION 21. PROHIBITED USES

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.

SECTION 10.

SECTION 22. MANUFACTURED (MOBILE) HOMES, RECREATION VEHICLES, TRAILERS AND BOATS.

SECTION 11. EMERGENCY PROVISION.

Due to the urgency in completing, laying out and determining the building and zoning codes, and due to the urgency in informing residents of Cherokee Village as to this Amendment, an emergency is hereby declared to exist, and this Amendment will be in full force and effect from and after its passage and approval by a majority of aldermen of the City Council of Cherokee Village.

DATED: December 4, 2000

APPROVED: Marjorie A. Rogers
Marjorie A. Rogers, Mayor

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