

ORDINANCE NO. 2024-01

**AN ORDINANCE TO AMEND THE CHEROKEE VILLAGE
ZONING CODE ADOPTED BY ORDINANCE 2017-06A
AND FOR OTHER PURPOSES**

BE IT ORDAINED by the Cherokee Village City Council that the Cherokee Village Zoning Code adopted by Ordinance 2017-06A, November 2017, be amended as follows:

SECTION 1. AMENDMENTS

**A) SECTION 8. DISTRICT R-1 STANDARD SINGLE- FAMILY
RESIDENTIAL DISTRICT** is amended by adding the following language:

D. MODULAR CONTAINER HOUSING: Must follow all the same rules as a traditional house with regards to set-backs, minimum square footage requirements and height restrictions. Additional requirements Must be sided with wood, siding, brick/stone or painted with pigmented automotive grade type paint.

B) SECTION 12. DISTRICT RMP, MANUFACTURED HOME DISTRICT

A. WHERE PERMITTED is amended to read as follows:

A. WHERE PERMITTED

Except as provided in Section 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. As of January 1st, 2024, no new installation may be more than 10 years old from the time the permit is obtained. Double wide and triples are allowed if they meet set back requirements and city code.

**C) SECTION 12A. DISTRICT R-1MH, STANDARD SINGLE-FAMILY AND
MANUFACTURED HOME RESIDENTIAL DISTRICT**

D. STRUCTURAL REQUIREMENTS is amended by adding the following language:

As of January 1st, 2024, no new installation may be more than 10 years old from the time the permit is obtained.

D) SECTION 14. DISTRICT CP-1 LOCAL BUSINESS DISTRICT is amended by adding the following language:

F. LOCATIONS ADJACENT TO RESIDENTIAL PROPERTY.

1. All service areas such as trash containers (dumpsters) and loading dock areas where materials are stored temporarily shall be enclosed with a six (6) feet high solid fence.
2. Signage shall be limited to one building mounted sign and one pole or ground mounted sign. A pole mounted sign can have a maximum height of twenty (20) feet above finish grade and a maximum size of thirty two (32) square feet. A ground-mounted sign shall have a maximum size of 9.5 feet in height, 11 feet in length and 2 feet in width.
3. Exterior building materials shall be submitted for review and approval by the building inspector or a design review committee, if such a committee has been created. It is the intent of this section to ensure that new commercial building exterior materials enhance and blend with the existing "Cherokee Village" character. Front/street building elevations shall have native stone, cultured stone, or brick masonry on at least 50% of the surfaces.
4. Exterior building-mounted lighting shall be installed so that the light emitted shines downward. Site lighting (pole mounted) shall have a maximum height of sixteen (16) feet and the light shall shine downward and inward.
5. Parking and service areas shall have hard surface paving such as asphalt or concrete
6. Property along a state highway shall have its entrance reviewed and approved by the city inspector and state highway department to insure proper visibility and safety of the site access location.

E) SECTION 15. DISTRICT CP-2 GENERAL BUSINESS DISTRICT is amended by adding the following language:

F. LOCATIONS ADJACENT TO RESIDENTIAL PROPERTY.

1. All service areas such as trash containers (dumpsters) and loading dock areas where materials are stored temporarily shall be enclosed with a six (6) feet high solid fence.
2. Signage shall be limited to one building mounted sign and one pole or ground mounted sign. Pole mounted sign maximum height of twenty (20) feet above finish grade. Maximum size of 9.5 feet in height, 11 feet in length and 2 feet in width.
3. Exterior building materials shall be submitted for review and approval by the building inspector or a design review committee. It is the intent of this section to ensure that new commercial building exterior materials enhance and blend with the "Cherokee Village" character. Front/street building elevations shall have native stone, cultured stone, or brick masonry on 50% of the surfaces.

4. Exterior building mounted lighting shall be the type that shines downward. Site lighting (pole mounted) shall have a maximum height of sixteen (16) feet and the light shall shine downward and inward.
5. Parking and service areas shall have hard surface paving such as asphalt or concrete
6. Property along a highway shall have its entrance reviewed and approved by the city inspector and state highway department to insure proper visibility and safety of the site access location.

F) SECTION 16. DISTRICT CP-3 SERVICE BUSINESS DISTRICT is amended by adding the following language:

F. LOCATIONS ADJACENT TO RESIDENTIAL PROPERTY.

1. All service areas such as trash containers (dumpsters) and loading dock areas where materials are stored temporarily shall be enclosed with a six (6) feet high solid fence.
2. Signage shall be limited to one building mounted sign and one pole or ground mounted sign. Pole mounted sign maximum height of twenty (20) feet above finish grade. Maximum size of 9.5 feet in height, 11 feet in length and 2 feet in width.
3. Exterior building materials shall be submitted for review and approval by the building inspector or a design review committee. It is the intent of this section to ensure that new commercial building exterior materials enhance and blend with the "Cherokee Village" character. Front/street building elevations shall have native stone, cultured stone, or brick masonry on 50% of the surfaces.
4. Exterior building mounted lighting shall be the type that shines downward. Site lighting (pole mounted) shall have a maximum height of sixteen (16) feet and the light shall shine downward and inward.
5. Parking and service areas shall have hard surface paving such as asphalt or concrete
6. Property along a highway shall have its entrance reviewed and approved by the city inspector and state highway department to insure proper visibility and safety of the site access location.

G) SECTION 19. ACCESSORY USES is amended to read as follows:

5. STORAGE BUILDINGS:

On a single residential lot where a residence is located, one portable building or shed, not exceeding twelve feet by twenty feet (12'X20') in dimension and not exceeding thirteen feet (13') in height, or one storage building not exceeding 240 square feet and built on a concrete foundation, or one detached garage that is less than or equal to 12% of the lot size but not to exceed 1200 square feet and 25 feet in height may be located in the rear yard or side yard, but not forward of either front corner of the residence, for purposes of storage but not for residential use. Metal storage buildings

are permitted provided that the color of the siding and roofing match that of the residence, and that the gauge of metal shall be twenty-nine or stronger. All storage buildings must be installed and anchored according to manufacturer's guidelines on a properly prepared surface to be level and not in direct contact with the ground. No storage building may be located over the septic tank, leach field or sand filter. There is a limit of one storage building per single-family residence and one storage building per adjacent owned lot.

Due to the unique history and three (3) acres lot size of Cherokee Acres Subdivision, the size limitations of Section 19, Paragraph 5 (STORAGE BUILDINGS) shall be modified for residents of Cherokee Acres to permit one DETACHED GARAGE, 12% of the lot size not exceeding a total of one thousand two hundred feet (1200) square feet and not exceeding twenty-five (25) feet in height, provided that such building conforms to all other provisions of this ZONING CODE and the Amended and Substituted Bill of Assurance, Cherokee Acres Subdivision, dated November 1998. In addition, in Cherokee Acres Subdivision, a second STORAGE BUILDING not exceeding two-hundred and forty (240) square feet shall be permitted. For purposes of this section, the term STORAGE BUILDING shall include uses associated with a utility building, subject to all restrictions provided in the ZONING CODE.

H) SECTION 19A. SOLAR PANEL SYSTEMS is added to the Code as follows:

A. Solar panel system shall meet all applicable State, City, Federal codes, and ordinances and shall be installed only after issuance of a Building Permit.

B. An individual residential Solar Panel System is permitted, subject to subparagraph A above, approval of a site plan by the Planning and Zoning Department, and adherence to existing requirements for structures. Applicants are to utilize roof-mounted Solar Panel Systems for safety and to reduce glare. Applicants may utilize Solar Panel System collection materials which are incorporated into building materials such as roof shingles or tiles, windows, siding, or other architectural features integral to a building's design and reasonably indistinguishable from traditional materials. Solar Panel Systems shall adhere to the specific requirements set forth below.

C. Roof-mounted solar panel systems shall comply with the following:

1. Solar panel systems shall be permitted only on the roof of a building with the exceptions listed in subparagraph B above.
2. Solar panel systems shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave, and shall conform to the slope of the roof. State code requires a 3 foot setback around the outside of the roof.
3. Solar panel systems may be located on any roof slope of an accessory building or structure, such as patio cover or detached garage, subject to the regulations in this Sub-

section C. Conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.

4. Solar panel systems mounted on flat roofs, may be mounted on a substructure, and shall not exceed the maximum height permitted within the zoning district for that structure.

D. Ground mounted solar panel systems shall comply with the following:

1. They must be solar tracking.
2. Ground mounted solar panels systems must be automated retractable (must close when not in operation).
3. They must be programmable.
4. They must be approved by the City Inspector before installation.
5. They must be placed within the properties set-back limitations.
6. If the base is a tri-pod for stability; a cover for the tri-pod is required.

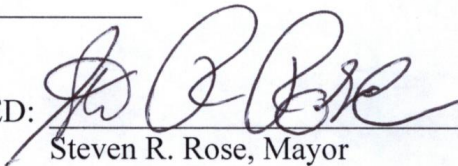
E. Support equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by gasoline electric generators shall be located behind or on the side of the building, except that wall-mounted inverters may be located next to the electric meter.

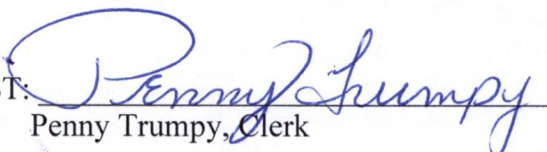
SECTION 2. SEVERABILITY

If any part or portion of this ordinance shall be held to be invalid, such part or portion shall be deemed severable and the invalidity thereof shall not affect the remaining parts or portions of the ordinance.

**PASSED AND APPROVED BY THE CITY COUNCIL OF CHEROKEE VILLAGE,
ARKANSAS**

DATED: 3/21/24

APPROVED: 
Steven R. Rose, Mayor

ATTEST: 
Penny Trumpy, Clerk

