

*Ord# 560  
Adopted 1-9-96*

**ZONING REGULATIONS  
WYNNE, ARKANSAS  
NOVEMBER, 1995**

**WYNNE, ARKANSAS**

**ZONING REGULATIONS**

## TABLE OF CONTENTS

	<u>Page</u>
I. DISCUSSION	
A. INTRODUCTION . . . . .	1
B. CONSIDERATIONS UNDERLYING THE DEVELOPMENT OF THE REGULATIONS	
1. Historical . . . . .	1
2. Physical . . . . .	2
3. Practical . . . . .	3
C. GENERAL POLICIES AND STANDARDS	
1. Changes . . . . .	3
2. Permits . . . . .	5
II. REGULATIONS	
A. GENERAL PROVISIONS	
1. Territorial Jurisdiction . . . . .	6
2. Compliance with Regulations . . . . .	6
3. Conflicts Between Regulations . . . . .	6
4. Prohibited Uses . . . . .	6
5. Priority of Contracts . . . . .	6
6. Applicability to Building and Land . . . . .	6
7. Continuance of Nonconforming Uses . . . . .	7
8. Reduction in Lot Area . . . . .	8
9. Severability and Repeal . . . . .	8
B. AMENDMENTS	
1. Amendment to Text . . . . .	9
2. Change in Zone Classification . . . . .	9

	<u>Page</u>
C. DEFINITIONS . . . . .	10
D. ZONING DISTRICT REGULATIONS	
1. Districts Established . . . . .	15
2. District Boundaries . . . . .	15
3. AG District - Agricultural . . . . .	16
4. R-1 District - Single Family Residential . . . . .	19
5. R-2 District - Two Family Residential . . . . .	21
6. R-3 District - Multiple Dwellings . . . . .	22
7. O-1 District - Office . . . . .	25
8. C-1 District - Central Business . . . . .	26
9. C-2 District - General Commercial . . . . .	28
10. C-3 District - Neighborhood Commercial . . . . .	29
11. I-1 District - Industrial . . . . .	30
12. FP District - Flood Plain . . . . .	33
13. AP District - Airport . . . . .	36
E. MISCELLANEOUS REGULATIONS	
1. Off-Street Parking and Drives . . . . .	36
2. Building Height . . . . .	39
3. Signs . . . . .	39
4. Home Occupations . . . . .	41
5. Places of Public Assembly . . . . .	41
6. Alleys . . . . .	41
7. Annexation . . . . .	42
F. PLANNED DEVELOPMENT REGULATIONS	
1. General . . . . .	42
2. Uses of Planned Developments . . . . .	42

Table of Contents (Continued)

	<u>Page</u>
3. Requirements of Applications . . . . .	43
4. Procedures . . . . .	44
G. ENFORCEMENT AND ADMINISTRATION	
1. Responsibility . . . . .	45
2. Building Permits . . . . .	46
3. Use and Occupancy Permits . . . . .	46
4. Violations . . . . .	46
5. Penalty for Violation . . . . .	47
6. Provisions of Regulations Declared to be Minimum Requirements . . . . .	47

## I. DISCUSSION

### A. INTRODUCTION

Zoning regulations are legal devices used in implementing a community's land use plan. In this case, the Wynne Land Use Plan is part of the Wynne Development Plan as adopted by the City of Wynne in 1975.

The Development and Land Use Plan identify community goals and objectives; these regulations are intended to provide the framework through which they can be realized.

Traditionally, zoning regulations have been used to promote the orderly growth of a community by encouraging development which would make efficient use of facilities such as roads, utilities, sewers, schools, and recreation areas, while not overloading them.

They have also been intended to preserve the value of existing properties, particularly residential ones. The general thrust of this idea is that a homeowner might suffer economic loss if an adjoining property were used so as to make his property less valuable, and a house is often a family's most significant investment.

At the same time, market and general economic conditions can change quickly; and zoning regulations which do not allow sufficient flexibility for new types of buildings or development can unnecessarily restrict the building of adequate housing and other facilities.

The task, then, is to balance the public interests in efficient use of community facilities and preservation of existing property values with the need of the private industry, business, developers, and builders to respond to changing conditions.

### B. CONSIDERATIONS UNDERLYING THE DEVELOPMENT OF THE REGULATIONS

1. Historical: Zoning has traditionally regulated population density, building heights and setbacks, as well as separating types of land use into different districts. These concerns were much more important before widespread use of the automobile, because necessity dictated that people live within walking distance of work places or streetcar lines.

With great increases in personal mobility, conditions changed. Now most buyers or renters of housing can make selections over a very wide area; and the major constraint of builders is competition in the marketplace,

where there are strong pressures to produce livable housing. The result is that zoning regulations now play a much less significant role in protecting the public from unhealthy housing. Furthermore, the widespread use of building codes and other regulations insure that housing will contain adequate light and air, both because of specific requirements for them and because of separations required between buildings for fire safety.

A concern of early zoning regulations was the separation of dwellings from noxious fumes, noise, and dust from factories. Now, with increased personal mobility, the land which is most attractive for industrial use because of its proximity to major roads and rail lines, is usually not attractive for residential development for the same reasons. There is, therefore, a tendency for land to be used in consideration of its underlying attributes, and there is less concern that such widely different uses as housing and industry will be located near one another, regardless of zoning regulations.

Current land use disputes generally revolve around the proposed introduction of a new use which is perceived as lowering the market values of adjacent properties; most often these involve proposed commercial developments near existing residential properties.

Regulation done solely by establishing districts must be fairly broad (or else there would be a great number of district types), so a proposed development which might be acceptable to surrounding residents could require a zoning change that would also allow other, objectionable uses.

A more reasonable approach is to provide, within the zoning regulations, a means of allowing a specific use on a site when the impact on existing uses can be analyzed through a site plan review. This can allow a desirable development to be approved without allowing any other but that specific use. This allows more flexibility in the overall development of the community while addressing the needs of existing property owners.

2. Physical: To the greatest extent possible, zoning regulations should address specifics which can be described and measured, rather than generalities. For example, the basis for accepting or rejecting proposed zoning changes should be questions of street, utility, and sewer capacities; the presence or absence of noise, noxious odors, or fumes; the number of vehicles moving to and from the property; hours of operation; lighting; etc., so that both proponents and opponents can speak about measurable characteristics of the proposal.

Some aspects of development, of course, are not measurable. Whether or not one person likes the appearance of a project, for example, is subjective judgement. But questions as to the "appropriateness" of a particular design in a particular place can at least be addressed if the regulations allow for submissions in which building designs are part of the approval. This is not to suggest that the community should dictate design, but to give the developer the opportunity to guarantee a certain appearance in order to win approval for his project.

While style and design are largely subjective in evaluation, other physical attributes can more clearly be said to have a positive or negative effect on surrounding properties. The bulk or scale of a proposed project, if it is at great variance from surrounding buildings, will clearly cause a change in the visual character of that area. A new structure which blocks the view of or from an adjacent structure also clearly has a physical effect on it; and in both these cases it seems reasonable to enact regulations designed to avoid these problems. These regulations are the yard and building height limits established in each zoning district.

At the same time, there must be a procedure, either through recourse to the Planning Commission or through the use of the Planned Development portion of the regulations, to allow for variety from these regulations when conditions warrant. For example, topographic conditions or the presence of existing trees may make it necessary to violate standard setbacks. Depending on such conditions and the locations of existing structures and the view from them; a design solution more in harmony with the natural conditions may be possible and more desirable.

Similarly, because of topographic or other natural conditions, building heights could be allowed to vary so long as the underlying desire to maintain the visual character of the neighborhood is kept in mind.

3. Practical: While there should be means to vary from standards when conditions warrant, it must be realized that the administering of any regulation is costly, and that the more specific a regulation is, the easier it is to administer. When a value judgement must be made, or when the regulation allows for interpretations, the municipality must exert much greater care, time, and money to insure that enforcement is fair; and particularly in smaller communities, the municipal resources may not allow this. Furthermore, an individual proposing to build or develop should be able to know that a proposed project will be acceptable under the regulations (if he does not wish a variance).

The best balance appears to be to establish specific requirements in the district regulations, but to allow a means, such as Planned Development regulations, by which these and other municipal requirements can be modified or waived. In such an application, the burden should be on the applicant to show how the proposed development meets overall community goals and how it fits into the surrounding area.

#### C. GENERAL POLICIES AND STANDARDS

1. Changes: While these regulations are in effect, the Planning Commission will be called upon to make recommendations for changes to the official Zoning Map or to approve Planned Developments; and the City Council will be required to make final decisions in these matters.

The purpose of this section is to establish guidelines for these decisions by specifically identifying the factors which should be considered.

In general, requests for a change in zoning for a particular piece of land must be accompanied by a petition as described in Section II.B.2. In addition to the technical information required, such as legal description of the property in question, as outlined in that section, the petition must clearly state the reasons why the proposed change should be granted. In particular, the petition must specifically state evidence to show that the public interest will not be harmed by the proposed change.

For a Planned Development application (as described in Section II.F.), the petitioner must provide site plans drawn to scale and any other documentation necessary to describe the physical characteristics of the development, with any requested variations from regulations explicitly noted. If any variances from the zoning or subdivision regulations are requested, the applicant must bear the burden of proof that the proposed characteristics of the development meet the criteria discussed below, which are the minimum criteria which should be evaluated in the granting of a zoning change or in approval of a Planned Development.

- a. What will be the affect on the public roads, utilities, and sewers? Are the existing capacities of these systems adequate for the proposed development, or will changes be necessary in these systems? If changes are necessary, how will those improvements be paid for?
- b. How does the proposed development compare to adjoining developments in relation to building size, height, and setbacks? Although this should not be interpreted to mean that a new development cannot vary from what is adjacent to it, consideration should be given to the relationship between the existing and new construction.
- c. What effect will the proposed development have on existing features of the site, such as trees, water courses, topography, etc.?

The proposed zoning changes or Planned Development will be most acceptable when:

- a. The effect of the development is to use the existing road, utility and sewer systems in an efficient manner, without overtaxing their capacities.
- b. The proposed development has a generally harmonious relationship with adjoining properties.
- c. When the proposed development preserves positive natural features of the environment.

Conversely, proposed developments having the opposite impact of those described above will be considered not to meet the community's overall goals, and should be rejected.



2. Permits: Enforcement of these regulations will be accomplished by the issuance of Building Permits and of Use and Occupancy Permits. A Building Permit will not be issued until the Enforcement Official has determined that either (1) the proposed development meets the requirements of the zoning district in which it is located or (2) the proposed development is in accordance with an approved Planned Development as reflected in a recorded plat of that development.

No building shall be occupied until a Use and Occupancy Permit has been secured from the Enforcement Official. This permit will be issued only when the official has determined that the proposed use of the building is in accordance with these regulations. A new Use and Occupancy Permit shall be required each time the ownership of a non-residential property changes.

## II. REGULATIONS

### A. GENERAL PROVISIONS

1. Territorial Jurisdiction: The provisions of this ordinance shall apply to all lands within the corporate limits of the City of Wynne, to all territories which may be annexed to the City thereafter, and for a distance of one (1) mile beyond the corporate limits of the City.

2. Compliance with Regulations: No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or altered unless in conformity with the regulations as set forth in this Ordinance.

3. Conflicts Between Regulations: Whenever these regulations contain an actual, implied, or apparent conflict, the more restrictive regulation shall apply unless specified otherwise.

4. Prohibited Uses: For the purpose of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other paragraphs of this Ordinance, uses not specifically listed are prohibited.

5. Priority of Contracts: It is not the intention of this regulation to defeat the purposes of any contract, deed, restriction, or protective covenant when such instrument is not consistent with this regulation or contains stricter requirements. In the event this regulation conflicts with other ordinances, rules, and regulations adopted by the City, or any State or Federal law, then the more strict provisions shall apply.

Areas which are included within the boundaries of an Urban Renewal Plan or other area plan which has been officially adopted and approved by the City Council and a contract with the Federal or other governmental body consummated as a consequence thereof shall not be the subject of any zoning change which will defeat the purposes of such contract.

6. Applicability to Building and Land: No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or

altered unless in conformity with all of the regulations herein specified for the district in which it is located, whether operated for or without compensation.

7. Continuance of Nonconforming Uses:

- a. Within the Districts established by this regulation or amendments that may later be adopted there exist:

- (1) uses of land
- (2) uses of structures
- (3) structures

which are lawful before this regulation was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this regulation or future amendment. The above-stated uses are declared to be incompatible with permitted uses in the districts involved and therefore are designated nonconforming.

- b. Any nonconforming use of land may not be:

- (1) changed to another nonconforming use.
- (2) enlarged or increased, nor extended to occupy a greater area of land than was occupied, except in conformity with this regulation or amendment.
- (3) reinstated after discontinuance for any reason for a period more than twelve (12) months; any subsequent use of such land shall comply with regulations specified by this regulation for the district in which said land is located.

- c. Any nonconforming use of a structure may not be:

- (1) changed to another nonconforming use.
- (2) reinstated after discontinuance for any reason for a period more than twelve (12) months; any subsequent use of such structure shall comply with regulations specified by this regulation for the district in which said structure is located.
- (3) extend to occupy any land outside such structure, except that portion of land so designated, arranged, or designed for such nonconforming use at the time of adoption or amendment of this regulation.

Furthermore, any structure used for a nonconforming use shall not be rebuilt or repaired after damage exceeding fifty percent (50%) of replacement cost, unless the use and structure conform to the provisions of this regulation.

- d. Any nonconforming structure may not be:

- (1) enlarged or altered except in conformity with this regulation.

- (2) reconstructed or repaired to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, except in conformity with the provisions of this regulation.
- (3) moved for any reason for any distance, unless it shall thereafter conform to the regulations for the district in which it is located.

- e. Any nonconforming use of land or nonconforming use of structures existing for residential purposes exclusively prior to the date of the adoption of this regulation may be continued and may be reinstated after a discontinuance of any length.
- f. Any structure maintained in whole or in part to an nonconforming use may have ordinary repairs or replacement of walls, roofs, floors, fixtures, wiring, plumbing, etc. to an extent not to exceed fifty percent (50%) of the replacement value of the structure in any twelve (12) month period, provided that the size of the structure is not increased.
- g. All nonconforming junk yards, commercial animal yards, and lumber yards not on the same lot with a plant or factory shall be demolished, altered, or otherwise made to conform to the provisions of this regulation within five (5) years from the date of adoption, amendment of this regulation, or annexation.
- h. All abandoned automobiles or other articles deemed by the Planning Commission as not the direct result of nature shall be removed, altered, or otherwise made to conform with the directives of said Planning Commission within thirty (30) days from the date of adoption of this regulation or the notification in writing to the owner of said property.

8. Reduction in Lot Area: No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yard requirements, lot area per family, or other requirements of this regulation are not maintained. This section shall not apply when a portion of a lot is required for a public purpose.

9. Severability and Repeal:

- a. Severability. The provisions of these regulations are hereby declared to be severable. If any section, paragraph, or clause of these regulations shall be held invalid, the invalidity of such section, paragraph, sentence, or clause shall not effect the validity of the rest of these regulations.
- b. Repeal of Conflicting Ordinances. All ordinances or part of ordinances that are in conflict with or inconsistent with the provisions of these regulations are hereby repealed to the extent necessary to give these regulations full force and effect.

B. AMENDMENTS

1. Amendment to Text:

- a. The City Council may recommend to the Planning Commission amendments to the text of these regulations, or the Planning Commission may on its own motion initiate amendments.
- b. Proposed amendments to the text shall be advertised in a paper of general circulation at least 15 days in advance of a public hearing to be conducted by the Planning Commission. After the public hearing, the Planning Commission shall make a report to the proposed amendment to the text. The City Council action on the report and recommendation shall be final.

2. Change in Zone Classification:

- a. A petition which gives the legal description of the property involved and the zoning classification requested for the property shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and map explaining the proposed changes (see Section I.C.1.).
- b. Upon receipt of the petition for a change in zoning classification, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:
  - (1) The Planning Commission shall hold a public hearing on a proposed change in zoning classification. Notice of the public hearing shall be published in a newspaper of general circulation, at least one time fifteen (15) days prior to the hearing.
  - (2) Following the public hearing, the proposed change in zoning classification may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendations stated in writing. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed change in zoning classification to the Planning Commission for further study and recommendation.
  - (3) If the Planning Commission disapproves a proposed change in zoning classification, the reason for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the decision. The final decision for all zoning classification rests with the City Council.

If the petitioner wishes to present evidence before the City Council, the following procedure shall be followed. The petitioner shall state specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. This written statement shall be filed with the City Clerk within fifteen (15) days of receipt of notice of the Planning Commission's action.

- c. No application for a change in zoning classification will be reconsidered by the Planning Commission within twelve (12) months from date of final disapproval, unless the Commission finds that a substantial reason exists for waiving this limitation.
- d. Before any action shall be taken as provided in this Section, any person or persons proposing a change in the zoning classification of his property shall deposit with the City Clerk the non-refundable sum of fifty dollars (\$50.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be approved by the Planning Commission and adopted by the City Council.
- e. Upon change in zoning classification having been approved by the City Council, the City Clerk shall notify the City Engineer of the change, who shall be responsible for revising the city zoning map.

#### C. DEFINITIONS

For the purpose of this regulation, certain words and terms shall be defined and interpreted as explained in the following.

Words used in present tense shall include the future, and the singular number shall include the plural and the plural the singular, unless the natural construction of the wording indicates other use. The word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended, or arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel." The word "person" includes firm, association, organization, partnership, trust, company or corporation as well as an individual.

The following definitions shall apply:

- 1. Alley: A minor way, dedicated to public use, which is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.
- 2. Alter: A change in building components such as walls, floors, roofs, etc.

4. Building: Any structure having a roof or partial roof supported by columns, posts, or walls for the enclosure of persons, animals, equipment or chattels of any kind. A tent shall be defined as a building for the purposes of this ordinance.

5. Building Accessory: Any building or structure erected or constructed which is incidental and customarily appurtenant to a principal use permitted on the zoning lot.

6. Building Height: The average distance measured from the elevation of the grade at the building to the highest point on the roof or parapet of said building, except that for sloping roofs the height shall be measured to the point mid-way between the highest point and the eave.

7. Building Principal: A building in which is conducted the primary use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building site on which it is located.

8. Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

9. City: The City of Wynne, Arkansas.

10. Commission. The Planning and Zoning Commission of the City.

11. Conditional Use: A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the commission and council that under the particular circumstances present such use in harmony with the Principal Permitted Uses of zone. Allowable conditional uses are specifically listed under the district regulations; other conditional uses which are of a similar nature to those listed may also be approved by the Commission.

12. Council: The City Council of the City.

13. Drive-In: May be used as a noun or adjective and shall refer to a business which is designed to serve patrons while they are reposed in vehicles or by means of service windows with the intent that products be consumed in automobiles. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office drop boxes, or laundry or cleaning drop boxes.

14. Dwellings: A building or portion thereof designed or used exclusively for residential occupancy, including single family dwellings. However, the following are not dwellings.

- a. Hotels, motels, tourist courts, and cabins.
- b. Buildings used for institutional care of people such as hospitals, rest homes, orphanages, and homes for the aged.

15. Dwelling, Multi-Family: A building or portion thereof containing three or more dwelling units.
16. Dwelling, Single-Family: A building containing one dwelling unit.
17. Dwelling, Two-Family: A building containing two dwelling units.
18. Dwelling Unit: One or more rooms that are arranged, designed, or used as living quarters for one family only.
19. Educational Institution: A school, for any grades, operated by a public, parochial, or private school system.
20. Enforcement Officer: The Enforcement Officer is designated by the City to enforce the District requirements set forth in this regulation.
21. Grade: The mean elevation of the ground, measured along the wall of a building, or a lot line, or the top of a street curb, or official grade of a street curb not yet constructed, depending on the context in which the term is used.
22. Hospital: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including such related facilities as laboratories, out-patient department, training facilities, central service facilities and staff offices.
23. Hotel: A building containing guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests, or both.
24. Junk or Salvage Yard: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, and other used materials are bought, sold, exchanged, stored, baled or cleaned, and places or yards for storage of salvaged metal, materials and equipment; but not including pawn shops or establishments for the sale, purchase or storage of used cars or trucks in operable condition, boats or trailers in operable condition, salvaged machinery in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged materials as part of a manufacturing operation.
25. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this regulation.
26. Lot of Record: Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of said recorder prior to the adoption of this ordinance.
27. Lot Coverage: The area of a zoning lot occupied by all buildings expressed as a percentage of the gross area of the zoning lot.
28. Lot Line: A boundary of a zoning log. Lot line is synonymous with property line.



29. Lot Width: The distance between side lot lines measured at the rear of the required front yard.

30. Lot Line, Front: In the case of a through lot, the line separating said lot from the street which the house will face to be determined from the request for a building permit. Front lot line is synonymous with street right-of-way line.

31. Mobile Home: A mobile home dwelling with the following characteristics:

- a. Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- b. Designed to be transported, after fabrication, on its own wheels, flat bed, other trailers, or detachable wheels.
- c. Arrives at site where it is to be occupied as a dwelling unit complete with major appliances.

32. Mobile Home Park: A tract of land that is used, designed, maintained, or held out for rent to accommodate one or more mobile homes. Mobile homes located in a mobile home park are used only to provide living and sleeping accommodations; a mobile home park does not include an automobile or mobile home sales lot on which unoccupied mobile homes are parked for inspection or sale. The term "mobile home" shall include mobile dwelling.

33. Motel: A group of attached or detached living units with individual toilet facilities operated for transient guests and so constructed that guest automobiles may be parked at or near the living unit.

34. Nonconforming Building: A building or structure or portion thereof, lawfully existing at the time this ordinance or an amendment thereto becomes effective, which does not meet the bulk, height, yard, parking, loading or other requirements of this regulation or any amendment thereto.

35. Nonconforming Use: A use which lawfully occupied a building or land at the time this regulation or an amendment thereto becomes effective, but which does not meet the requirements of this ordinance or any amendment thereto.

36. Open Space: Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure except for bays, cornices, chimneys, etc. which do not project more than 24" from the structure.

37. Parking Area, Public: An open area, other than a street, used for temporary parking of automobiles and available for public use, whether free, for compensation or as accommodation for clients and customers.

38. Parking Space (Off-Street): A space on private land, accessible from a street or alley, not less than nine (9) feet wide or twenty (20) feet long exclusive of passageways.

39. Permitted Uses: That use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

40. Principal Use: The chief or main recognized use of a structure or of land.

41. Story: That portion of a building included between the upper surface or any floor and the upper surface of the next floor above, or any portion of a building used for human occupancy between the top-most floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

42. Street: The entire width between property line of a way or place dedicated or acquired for the purpose of public use for vehicular traffic or access other than an alley.

43. Street Right-of-Way: The legal property line boundary between the street right-of-way and the abutting property.

44. Structure: Anything constructed or erected with fixed location on the ground or attached or resting on something having a fixed location on the ground. The following shall be considered structures: buildings, walls, fences, signs, and billboards. Vehicles duly licensed for operation upon public streets or highways shall not be considered structures.

45. Use: The purpose or purposes for which land or building is designed, arranged, or intended, or to which said land or building is occupied, maintained or leased.

45. Use, Accessory: A use customarily incidental to a principal permitted use or building and located on the same zoning lot with such principal use or building.

46. Yard, Front: An open space extending the full width of the zoning lot, between the main building and the front lot line, unoccupied and unobstructed by buildings or structures except as provided herein, the depth of which shall be measured as the least distance between the front lot line and the front of such main building. Corner lots shall have two front yards.

47. Yard, Rear: An open space extending the full width of the zoning lot, between the main building and the rear lot line, unoccupied and unobstructed by buildings or structures except as provided herein, the depth of which shall be measured as the least distance between the rear lot line and the rear of such main building.

48. Yard, Side: An open space extending from the front yard to the rear yard, between the main building and the side lot line, unoccupied and unobstructed by buildings or structures except as provided herein, the depth of which shall be measured as the least distance between the side lot line and the side of such main structure.

50. Zoning Lot: A single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or structures, for which the building permit or certificate of occupancy is issued and including such area of land as may be required by the provisions of this ordinance for such use, building or structure.

#### D. ZONING DISTRICT REGULATIONS

1. Districts Established: In order to classify, regulate, and restrict the location of trades, industries, and the location of buildings designed for specific uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards and other open spaces surrounding such buildings, the City of Wynne is hereby divided into zoning districts as follows:

- a. AG Agricultural District
- b. R-1 Residential, Single-Family
- c. R-2 Residential, Two-Family
- d. R-3 Residential, Multiple Dwellings
- e. O-1 Office District
- f. C-1 Central Business District
- g. C-2 General Commercial District
- h. C-3 Neighborhood Commercial District
- i. I-1 Industrial District
- j. FP Flood Plain Areas
- k. AP Airport District

1. PD Planned Development (See Section F. Page 42)  
Boundaries for the noted zoning districts are hereby established as shown on the official zoning district map entitled "Zoning District Map of Wynne, Cross County, Arkansas," which is attested and on file with City Clerk in the Wynne City Hall.

2. District Boundaries: Whenever uncertainty exists with respect to the boundary lines of the various zoning districts as shown on the official zoning district map, the following rules shall apply:

- a. Unless otherwise indicated on the official zoning district map, the zoning district boundaries are the center line of streets, the center lines of streams or creeks, or corporate limit lines of the City. Questions concerning the exact location of district boundaries shall be determined by the Planning Commission.
- b. Whenever any street, alley, or other public way is vacated by public action of the City Council of the City of Wynne, the zoning district adjoining each side of such street, alley, or public way shall be extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.
- c. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, that distance shall control.
- d. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines, and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts, unless said boundaries are otherwise indicated on the map.
- e. In subdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such map.

3. AG District - Agricultural: The purpose of this district is to preserve present land uses best suited for agricultural purposes from encroachment of incompatible uses. The regulations are designed to protect the essentially open character of the district by prohibiting the establishment of scattered business, industrial, and other uses that are unrelated to any general plan of development and that might inhibit the best future urban utilization of land. It is intended that land areas designated in this district shall be reclassified to their appropriate residential, commercial, or industrial categories whenever such land is subdivided into urban building sites in accordance with the Amendment Procedure set forth herein.

- a. Permitted Uses. In the designated Agricultural Districts only the following uses are permitted:

- (1) Use by Right: The uses listed below are permitted subject of the conditions of this district and the general provisions of the document:
  - (a) Agricultural crop land.
  - (b) Single-family dwelling units for the owners and/or operators (tenants) of said agricultural lands.
  - (c) Publicly owned or operated properties.
  - (d) Public parks, public playgrounds, and open space, recreational areas, not to include permanent building facilities other than that housing sanitary facilities, operated by membership organizations for the benefit of their members and not for gain.

- (e) Railroad rights-of-way.
  - (f) Other accessory structures customarily appurtenant to the above uses when established in conformance with regulations of this district.
- (2) Uses Requiring Planning Commission Approval: The uses listed below are permitted upon approval of the location and site plan thereof by the Planning Commission as being adequate with regard to transportation and access, necessary water supply and waste water disposal facilities, fire and police protection, and other public facilities. Furthermore, such conditional uses shall be in harmony with the orderly and anticipated future appropriate development of the district and in no instances may they cause undue traffic congestion or be classified a traffic hazard. The conditional uses are:
- (a) Roadside stands of a temporary nature which offer for sale only farm products which are produced upon said premises.
  - (b) Hospitals and/or institutions of an educational, religious, charitable, or philanthropic nature; provided, however, that such buildings shall not be located upon sites containing an area of less than five (5) acres, nor may said structures occupy more than twenty percent (20%) of the total area of the parcel, and that the permanent structure shall be set back from all boundary lines a distance of not less than two (2) feet for each foot of building height.
  - (c) Veterinary hospitals, provided that buildings housing said animals shall be located at least one hundred (100) feet from all boundary lines. Furthermore said hospital should not be constructed as a long term (thirty (30) days or more) storage facility for animals classified other than normal house pets.
  - (d) Cemeteries, including mausoleums, provided that said mausoleum shall be at a distance of at least two hundred (200) feet from every exterior street line and adjoining lot line and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.
  - (e) Grain elevators or similar storage structures, including buildings for seasonal or temporary storage of grain, whenever such elevator and/or temporary storage is located upon or adjacent to a railroad right-of-way.
  - (f) Golf courses.
  - (g) Extraction of oil, gas, or other natural mineral deposits, but land must be "reclaimed" by grading to a smooth surface and planting grass and/or trees over the entire area to prevent erosion.
  - (h) Churches and other places of worship, Sunday school buildings and parish homes.
- (3) Uses by Temporary Permit of Planning Commission: Upon application to and issuance by the Planning Commission of a permit thereof, the following uses may be operated as uses by temporary permit:

- (a) Bazaars, carnivals and/or circuses; provided, however, that each permit shall be valid for a period of not more than three (3) days and shall not be renewed for more than three (3) successive periods; and provided, further, that a period of at least thirty (30) days shall intervene between the termination of one permit and the issuance of another permit for the same location.
  - (b) Non-commercial concrete batching plants, both incidental and necessary to construction in the district; provided, however, that each permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than two (2) successive periods at the same location.
  - (c) Parking lot design for a special event; provided, however, that each permit shall be valid for only the duration of the designated special event; and provided, further, that if the designated special event is seasonal activity, the permit may be valid for the entire season, but shall be restricted in the use designated dates and times during which the event is occurring.
  - (d) Sale at retail of Christmas trees and wreaths, etc.; provided, however, that no permit shall be effective prior to the fifteenth (15th) day of November in each calendar year and no permit shall be valid for a period of more than forty-five (45) days.
  - (e) Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the district; provided, however, that each permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than three (3) successive periods at the same location.
  - (f) Temporary office, both incidental and necessary for the sale or rental of real property in the district; provided, however, that each permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.
- b. Prohibited Uses. The uses listed below are prohibited in the district, because of odors and/or undesirable health conditions which could result within the City limits:
- (1) Animal husbandry.
  - (2) Animal feed lots, to include the raising of livestock on open agricultural land within the Wynne City limits.
  - (3) Animal sales yards and auctions.
  - (4) Riding stables.
- c. Structure Setback. All structures and accessory buildings appurtenant to the permitted uses noted in Section a of this chapter must be set back at least fifty (50) feet from all street rights-of-way and parcel boundary lines, or as required under other ordinances, whichever is the greater.

- d. Height Regulations. The Height regulations set forth elsewhere in this document shall be observed.
- e. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth elsewhere.
- f. Area Requirements, Places of Public Assembly. The public assembly regulations set forth in the General Provisions of this document shall be observed, except that the front yard setback shall be a minimum of fifty (50) feet.

4. R-1 District - Single Family Residential: The purpose of this district is to provide for single-family residential development of relatively spacious character, together with such churches, recreational facilities and accessory uses as may be necessary or are normally considered compatible with residential surroundings. The district generally is established to protect existing development of this character and usually contains vacant land considered appropriate for such development in the future. The following district regulations are designed to protect the residential character of the areas.

- a. Permitted Uses. In the R-1 District, only the following uses are permitted:

(1) Use by Right: The uses listed below are permitted subject to the conditions of this district and the general provisions of this document.

- (a) Single-family structures.
- (b) Churches.
- (c) Public parks, playgrounds, and non-commercial recreational buildings.
- (d) Educational institutions.
- (e) Agricultural crops (provided no building for retail sale is maintained).
- (f) Utility substation (provided no staff is required).
- (g) Municipal utilities and structures.
- (h) Accessory buildings customarily incidental to the above uses, not involving the conduct of a business.

(2) Uses Requiring Planning Commission Approval: The uses listed below are permitted upon approval of the location and site plan thereof by the Planning Commission as being adequate with regard to transportation and access, necessary water supply and waste water disposal facilities, fire and police, and other public facilities. Furthermore, such conditional uses shall be in harmony with the orderly and anticipated future appropriate development of the district and in no instance may they cause undue traffic congestion or be classified a traffic hazard. The conditional uses are:

- (a) Temporary buildings, the use of incidental to construction operations or the sale of lots during development. Said structures shall be removed upon completion of said development.

- (b) Golf course, but not including commercial miniature course or driving range and provided no building or accessory use is located closer than one hundred (100) feet from adjoining property lines.
- (c) Private recreational uses such as tennis courts, swimming pools, and other similar activities operated exclusively for the use of private membership and their guests and not for commercial purposes, provided that no such use, structure, or accessory use is located closer than fifty (50) feet to any adjoining property line, unless said property line fronts a public street; then the required setback need not exceed thirty (30) feet, or fifty-five (55) feet from the centerline of the street, whichever is greater, and provided, further, that all such facilities must be located on a site having a minimum of three (3) acres.
- (d) Child Care Centers in conjunction with an educational institution.
- (e) Private clubs or lodges, provided that such facilities must be located on a site having a minimum of three (3) acres and further provided that no use, structure, or accessory use is located closer than fifty (50) feet to any property line, unless said property line fronts a public street; then, the required setback need not exceed thirty (30) feet, or fifty-five (55) feet from the centerline of the street, whichever is greater.

b. Area requirements for the R-1 District are as follows:

- (1) Minimum Lot Area: 10,000 square feet
- (2) Minimum Lot Width: (exclusive of lots which front on circular portions of cul-de-sacs) 80 feet of front footage, for corner lots, this shall apply to both streets. For lots with one or both side boundaries touching the circular portion of a cul-de-sac, the minimum lot width shall be 30 feet of front footage measured along the right-of-way of the street.
- (3) Front Yard Setback: Minimum of twenty five (25) feet from front property line, or fifty (50) feet from the centerline of the street whichever is greater. For corner lots, this shall apply to both streets.
- (4) Rear Yard Setback: Minimum of twenty-five (25) feet from rear property line.
- (5) Side Yard (each): Minimum of eight (8) feet from side property line.
- (6) Accessory Building: No accessory building shall be erected in any required front yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear or side yard and shall be at least five (5) feet from all other buildings. Accessory buildings shall be placed a minimum of five (5) feet from rear property line and/or easement line. Accessory buildings shall be placed at a minimum distance of eight (8) feet from side property lines.



5. R-2 District - Two Family Residential: The purpose of this District is to provide for areas composed mainly of single-family and two-family dwellings together with compatible accessory uses and open areas. The following District regulations are designed to protect, encourage, and reinforce a suitable neighborhood environment.

a. Permitted Uses. In the R-2 District, only the following uses are permitted:

(1) Use by Right: The uses listed below are permitted subject to the conditions of this District and the General Provisions of this document.

- (a) All uses by right permitted in R-1 Districts.
- (b) Two-family dwellings.

(2) Uses Requiring Planning Commission Approval: The uses listed below are permitted upon approval of the location and site plan thereof by the Planning Commission as being adequate with regard to transportation and access, necessary water supply and waste water disposal facilities, fire and police and other public facilities. Furthermore, such conditional uses shall be in harmony with the orderly and anticipated future appropriate development of the district and in no instance may they cause undue traffic hazard. The conditional uses are:

- (a) All uses requiring Planning Commission approval in R-1 Districts.
- (b) Hospitals and sanitariums, but no animal hospitals, located on a site of not less than three (3) acres, and provided such facilities are set back a minimum of fifty (50) feet from all property lines and provided further that such facilities have direct access to an officially designated major street.
- (c) Homes for the aged, nursing homes, convalescent homes and orphan homes on a site of not less than 65,000 square feet, or 700 square feet for each occupant, whichever is the greater, including permanent employees who will be domiciled upon the site and provided further that the total ground area of the building or buildings shall not exceed fifty percent (50%) of the total site area.
- (d) Public libraries or museums, when located on a site of at least 50,000 square feet, provided that all structures for such facilities are set back a minimum of fifty (50) feet from any property line abutting any residential district.

b. Area Requirements. Area Requirements for the medium density residential districts are as follows:

(1) Minimum Lot Area:

- (a) Single-family: 7200 square feet.
- (b) Two-family: 9600 square feet.

(2) Minimum Lot Width:

- (a) Single-family: 60 feet of front footage.
- (b) Two-family: 80 feet of front footage.

- (3) Front Yard Setback: Minimum of twenty five (25) feet from front property line, or fifty (50) feet from the centerline of the street whichever is greater. For corner lots, this shall apply to both streets.
- (4) Rear Yard Setback: Minimum of twenty (20) feet from rear property line.
- (5) Side Yard (each): Minimum of six (6) feet from side property line.
- (6) Accessory Building: No accessory buildings shall be erected in any required front yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear or side yard and shall be at least five (5) feet from all other buildings on the same lot. Accessory buildings shall be placed a minimum distance of five (5) feet from the rear property line and/or from easement lines. Accessory buildings shall be placed a minimum distance of six (6) feet from side property lines.

6. R-3 District - Multiple Dwellings: The purpose of this district is to maintain higher residential densities and to permit a variety of housing types. Population density and height of buildings are low enough to be generally compatible with single-family residential development in the same general neighborhood. The district regulations also are designed to protect the residential character of the area and encourage a suitable neighborhood environment for family life.

a. Permitted Uses. In the R-3 District, only the following uses are permitted.

- (1) Use by Right: The uses listed below are permitted subject to the conditions of this district and the general provisions of this document:
  - (a) All uses by right permitted in R-2 districts.
  - (b) Multi-family dwellings.
  - (c) Mobile homes, when installed on a permanent foundation and connected to the public water and sewer system. The intent is to allow for the renting and/or leasing of individual lots as mobile home sites.
- (2) Uses Requiring Planning Commission Approval: The uses listed below are permitted upon approval of the location and site plan thereof by the Planning Commission as being adequate with regard to transportation and access, necessary water supply and waste water disposal facilities, fire and police and other public facilities. Furthermore, such conditional uses shall be in harmony with the orderly and anticipated future appropriate development of the district and in no instance shall they cause undue traffic congestion or be classified a traffic hazard. The conditional uses are:

- (a) All uses requiring Planning Commission approval permitted in R-2 districts.
- (b) Boarding House: A building containing guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room.
- (c) Rooming House: A dwelling containing one or more lodging rooms that accommodate one or more persons who are not members of the keeper's family; provided, however, that the letting of rooms for hire, to the extent permitted by this regulation as a home occupation, shall not in itself cause a dwelling to be a rooming house. In a rooming house, lodging or meals are provided on a weekly or monthly basis. Rooming house may include boarding house.
- (d) Home occupation.
- (e) Mobile Home Park: With the adoption of this regulation, the Planning Commission will allow for the leasing of two (2) or more mobile home spaces provided that same is set up in the boundaries of an approved mobile home park with a minimum area of 3 acres.

Requirements for Mobile Home Park:

- 1. Each individual dwelling site shall have a minimum area of 4,000 square feet, with a minimum width of 40 feet at the access line. Maximum density - 6 sites/acre of park.
- 2. Set backs from internal private drives shall be 10 feet; from internal public street, 20 feet. Setbacks from public streets fronting the park shall be 30 feet; from private drives fronting the park, 20 feet.
- 3. Setbacks from adjacent non-residential property shall be 30 feet; from residential property, 20 feet.
- 4. Along all property lines shall be planted 1 row of evergreens at least 8 feet in height to provide a visual screen. The park owner shall maintain the planting in good condition.
- 5. No mobile home shall be closer than 20 feet to any other mobile home or any accessory building or any other building.
- 6. Each mobile home shall be provided with water, sewer, and electric service conforming to the requirements of the Wynne plumbing and electrical codes and subdivision regulations.
- 7. Each mobile home site shall have access at least 10 feet wide to street system conforming to requirements of the Wynne subdivision regulations.
- 8. Each mobile home shall be connected to every other mobile home and to each service building for pedestrian access by means of paved walks. Streets may be considered part of the pedestrian access system. Walks shall be at least 3 feet wide when providing access to a single structure, and 4 feet wide when providing access to 2 or more structures.

9. Lighting: The mobile home park shall be provided with general outdoor lighting of walkways, streets, general storage and service areas, recreational areas, park entrances and exits. This requirement will help to provide safe movement of pedestrians and vehicles at night.
10. Parking: Two (2) off-street parking spaces per mobile home shall be provided on each mobile home site or within one hundred (100) feet of the individual mobile home site. No off-street parking shall be located within any required usable open space.
11. Custodial Care: The owner of the mobile home park, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities, grounds, and its equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable with the owner of such mobile home park for the violation of any provision of this section to which the owner of said development is subject.
12. Refuse: Garbage cans with tight-fitting covers shall be provided by the mobile home owner or park developer in quantities adequate to permit disposal of all garbage and refuse. Garbage cans shall be located no further than two hundred (200) feet from any mobile home site. The cans shall be kept in a sanitary condition at all times.
13. Fire Prevention: Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order. No open fire shall be permitted at any place in the mobile home park. For fire protection, sanitary water under adequate pressure shall be provided in standard fire hydrants located within four hundred (400) feet of every individual mobile home site within the mobile home park.
14. Storage: All outside storage shall be prohibited on mobile home sites except for vehicular parking. However, storage of miscellaneous items may be stored within closed storage units if approved by the Planning Commission. Additional storage may be provided by the developer in the usable open space areas.
15. Landscaping: All yard areas and other open spaces not otherwise paved or occupied by buildings or structures shall be sodded and/or landscaped and shall be maintained adequately.
16. Yearly inspection shall be made by an authorized City Official to see that the park is in compliance with the regulations.
17. Accessory Buildings: No accessory building shall be erected between the mobile home and the required access street. Accessory buildings shall be at least five (5) feet from all other buildings on the same lot.
18. Each mobile home park shall meet such other requirements as the city may require.
19. Plans for a mobile home park shall be submitted to and approved by the City Planning Commission.

b. Area Requirements. Area requirements for the R-3 District are as follows:

(1) Minimum Lot Area:

- (a) Single-family: 6000 square feet.
- (b) Two-family: 8,000 square feet.
- (c) Multi-family: 10,000 square feet for the first three (3) dwelling units, plus 2,500 square feet for each additional dwelling unit.

(2) Minimum Lot Width:

- (a) Single-family: 60 feet of front footage.
- (b) Two-family: 80 feet of front footage.
- (c) Multi-family: 100 feet of front footage.

(3) Front Yard Setback: Minimum of twenty-five (25) feet from front property line, or fifty (50) feet from center line of street whichever is greater. For corner lots, these shall apply to both streets.

(4) Rear Yard Setback: Minimum of fifteen (15) feet from rear property line.

(5) Side Yard (each): Minimum of six (6) feet from side property line.

(6) Accessory Building: No accessory buildings shall be erected in any required front yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear or side yard and shall be at least five (5) feet from all other buildings on the same lot. Accessory buildings shall be at least five (5) feet from the rear lot line and/or easement lines. Accessory buildings shall be at least six (6) feet from side property lines.

7. O-1 District - Office: The purpose of this district is to provide a special district for office use. Such uses usually generate less vehicular traffic than do retail and other commercial uses, and this district can logically be used as a buffer between residential and other districts.

a. Permitted Uses. In the O-1 District only the following uses are permitted:

(1) Use by Right: The uses listed below are permitted subject to conditions of this district and the general provisions of this document.

- (a) Offices, except those where goods are physically displayed and sold on the premises.

(2) Uses Requiring Planning Commission Approval: Uses permitted below are permitted upon approval of the location and site plan thereof by the Planning Commission as being adequate with regard to transportation and access. Furthermore, such conditional uses shall be

in harmony with the orderly and future appropriate development of the district, and in no instance shall they cause undue traffic congestion or be classified as a traffic hazard. The conditional uses are:

- (a) Offices where goods are physically displayed or sold on the premises.

b. Area Requirements. Area requirements for the O-1 District are as follows:

- (1) Minimum Lot Area: None
- (2) Minimum Lot Width: None
- (3) Front Yard Setback: Minimum of thirty (30) feet from front property line or fifty-five (55) feet from centerline of street, whichever is greater. For corner lots this shall apply to both streets.
- (4) Rear Yard Setback: Minimum of fifteen (15) feet from rear property line.
- (5) Side Yard (each): Minimum of six (6) feet from side property line.
- (6) Accessory Buildings: No accessory buildings shall be erected in any required front yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear or side yard and shall be at least five (5) feet from all other buildings on the same lot. Accessory buildings shall be at least five (5) feet from the rear lot line and/or easement line and at least six (6) feet from side property lines.

c. Parking.

- (1) The parking regulations listed elsewhere apply to this district.
- (2) No parking shall be allowed in any front yard.

8. C-1 District - Central Business District: The purpose of this district is to provide retail goods and services. The regulations are designed to permit a highly concentrated, intensive development of the permitted facilities and to protect the district from over-intensive development of land coverage and overcongestion as related to the capacity of common public facilities which serve the entire district. Consideration must be given to pedestrian and vehicular traffic, and adequate off-street parking.

a. Permitted Uses. In the C-1 District, only the following uses are permitted:

- (1) Use by Right: The uses listed below are permitted subject to the conditions of this district and the general provisions of this document.

- (a) All permitted uses listed for C-2 and C-3 districts.
- (b) Stores and shops for retail sale, in a completely enclosed building, of food, drugs, liquor, general merchandise, apparel, furniture, appliances, art objects, antiques, books, stationery, sporting goods, and similar sales establishments.
- (c) Eating establishments (restaurants).
- (d) Offices.
- (e) Banks, savings and loan associations, etc.
- (f) Dry cleaning and laundry pick-up stations.
- (g) Motion picture theaters.
- (h) Hotels, motels and motor hotels.
- (i) Public and quasi-public uses such as:
  - 1. Churches and places of worship.
  - 2. Museums, libraries, parks, playgrounds, community centers.
  - 3. City, County, State or Federal buildings with public access.

(2) Uses Requiring Planning Commission Approval: The uses listed below are permitted upon approval of the location and site plan thereof by the Planning Commission as being adequate with regard to transportation and access, necessary water supply and waste water disposal facilities, fire and police and other public facilities. Furthermore, such conditional uses shall be in harmony with the orderly and anticipated future appropriate development of the district, and in no instance shall they cause undue traffic congestion or be classified as a traffic hazard. The conditional uses are:

- (a) Commercial parking facilities; these shall be paved and with at least five percent (5%) of the lot area devoted to landscaping.
- (b) Commercial billboards and signs.
- (c) Wholesaling, warehousing, and bulk storage accessory to permitted uses.
- (d) Any use deemed appropriate by the Planning Commission that is in general compatibility with adjacent or nearby land uses.
- (e) Public and quasi-public uses such as, but not limited to the following:
  - 1. Correctional institutions.
  - 2. "Half-Way Houses", etc.
  - 3. Military installations.

b. Area Requirements. Area requirements for the C-1 District are as follows:

- (1) Minimum Lot Area: None
- (2) Minimum Lot Width: None
- (3) Front Yard Setback: There shall be no front yard requirement for the C-1 District.
- (4) Rear Yard Setback: Minimum of ten (10) feet from property line or fifteen feet from center of alley, where one exists, whichever is greater. When a rear yard adjoins a residential zone, there shall

be a rear yard of at least forty (40) feet and an eight (8) foot opaque screening fence with access gates shall be erected at the rear property line.

- (5) Side Yard: No side yard shall be required. When a side yard adjoins a residential zone, there shall be a side yard of at least twenty (20) feet and a six (6) feet opaque screening fence shall be erected at the side yard property line.

9. C-2 District - General Commercial: The purpose of this district is to provide sufficient space in appropriate locations for a variety of retail goods and services. The district is usually located on a major thoroughfare or near the intersection of two thoroughfares. The district regulations are designed to permit development in a spacious arrangement by requiring that certain minimum yard and area standards be met.

- a. Permitted Uses. In general Commercial District, only the following uses are permitted:

- (1) Use by Right: The uses listed below are permitted subject to the conditions of this district and the general provisions of this document.

- (a) All permitted uses listed for C-3 district.
- (b) Dry cleaning and laundry plants.
- (c) Automotive service stations.
- (d) Automotive repairs and sales (new and used).
- (e) Automatic laundries.
- (f) Funeral homes.
- (g) Drive-in establishments.
- (h) Agricultural implement sales, service and storage.
- (i) Boat and marine sales, service and storage.
- (j) Automatic car wash.
- (k) Building materials, grain and feed sales.
- (l) Commercial warehousing.
- (m) Accessory buildings customarily incidental to the above uses.

- (2) Uses Requiring Planning Commission Approval: The uses listed below are permitted upon approval of the location and site plan thereof by the Planning Commission as being adequate with regard to transportation and access, necessary water supply, waste water disposal facilities, fire and police and other public facilities. Furthermore, such conditional uses shall be in harmony with the orderly and anticipated future appropriate development of the district and in no instance shall they cause undue traffic congestion or be classified a traffic hazard. The conditional uses are:

- (a) All uses requiring Planning Commission approval permitted in C-1 district.



- (b) Temporary buildings, the use of which are incidental to construction operations or the sale of lots during development. Said structures shall be removed upon completion of said development.
- (c) Any use deemed appropriate by the Planning Commission that is in general compatibility with adjacent or nearby land uses.

b. Area Requirements. Area requirements for the General Commercial District are as follows:

- (1) Minimum Lot Area: 15,000 square feet.
- (2) Minimum Lot Width: 100 feet.
- (3) Front Yard Setback: Minimum of twenty (20) feet from front property line, if no parking in front yard is provided. Minimum of fifty (50) feet if parking is provided in front yard. For corner lots this shall apply to both streets.
- (4) Rear Yard Setback: Minimum of ten (10) feet from rear property line or fifteen (15) feet from centerline of alley. When a rear yard adjoins a residential zone, there shall be a rear yard of at least 40 feet from the property line, and an eight (8) foot opaque screening fence with access gates shall be erected at the rear property line.
- (5) Side Yard: When a side yard adjoins a residential zone, there shall be a side yard of at least twenty-five (25) feet, and a six (6) foot opaque screening fence shall be erected at the side property line. Otherwise, no side yard is required.

10. C-3 District - Neighborhood Commercial: The purpose of this District is to provide primarily for retail shopping and personal services, to be developed either as a unit or in individual parcels, and to serve the needs of a relatively small area, primarily nearby residential neighborhoods. Often located on one or more thoroughfares, these are small and ideally are within convenient walking distance of most of the areas they will serve. The following district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas.

a. Permitted Uses. In the C-3 District, only the following uses are permitted.

- (1) Use by Right: The uses listed below are permitted subject to the conditions of this district and the general provisions of this document.
  - (a) Altering and repairing of wearing apparel.
  - (b) Bakery, retail.
  - (c) Barber shop or beauty shop.
  - (d) Clinic, dental or medical.
  - (e) Drug store.

- (f) Grocery store, retail.
- (g) Laundry, self-service only.
- (h) Laundry, and/or dry cleaning pick-up station.
- (i) Offices.
- (j) Variety store (limited to the sale of items which may be sold by any other use in this district).
- (k) Accessory buildings customarily incidental to the above uses.

(2) Uses Requiring Planning Commission Approval: The uses listed below are permitted upon approval of the location and site plan thereof by the Planning Commission as being adequate with regard to transportation and access, necessary water supply and waste water disposal facilities, fire and police and other public facilities. Furthermore, such conditional uses shall be in harmony with the orderly and anticipated future appropriate development of the district and in no instances shall they cause undue traffic congestion or be classified a traffic hazard. The conditional uses are:

- (a) Automobile service stations.
- (b) Any use deemed appropriate by the Planning Commission that is in general compatibility with adjacent or nearby land uses.

b. Area Requirements. Area requirements for the Neighborhood Commercial District are as follows:

- (1) Minimum Lot Area: 10,000 square feet.
- (2) Minimum Lot Width: 100 feet of front footage.
- (3) Front Yard Setback: Minimum of twenty (20) feet if no parking in front yard; minimum of fifty (50) feet if parking is provided in front yard. For corner lots this shall apply to both streets.
- (4) Rear Yard Setback: Minimum of ten (10) feet from rear property line or fifteen feet from centerline of alley. When a rear yard adjoins a residential zone, there shall be a rear yard of at least twenty (20) feet, and an eight (8) foot opaque screening fence shall be erected at the rear property line.
- (5) Side Yard Setback: When a side yard adjoins a residential zone, there shall be a side yard of at least twenty (20) feet, and an eight (8) foot opaque screening fence shall be erected at the side property line. Otherwise no side yard is required.

11. I-1 District - Industrial: The purpose of this District is to provide for and encourage the concentration of a wide range of industrial activities in areas suited to the transportation and physical environmental needs of industrial operations, all of which shall be able to meet performance specifications. This zone specifically excludes residences on the theory that the mixture of residential uses, public services, and facilities for residential uses with those for industry is contrary to a healthy environment.

a. Permitted Uses. In the Industrial District, only the following uses are permitted:

(1) Use by Right: The uses listed below are permitted subject to the conditions of this district and the general provisions of this document. The following uses shall be permitted in this zone.

- (a) Wholesale merchandising or storage warehouses.
- (b) Automobile repair garages.
- (c) Trucking terminals.
- (d) Contractor's yard.
- (e) Wood or lumber yards.
- (f) General service and repair establishments, including dying, cleaning or laundry works, cabinet making, plumbing, and heating, printing, painting, upholstering and appliance repair.
- (g) Manufacture or storage of food products, including beverage blending or bottling, bakery products, dairy products, candy manufacturing, fruit and vegetable processing and canning, and packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
- (h) Any use deemed appropriate by the Planning Commission that is in general compatibility with adjacent or nearby land uses.

(2) Uses Requiring Planning Commission Approval: The uses listed below are permitted upon approval of the location and site plan thereof by the Planning Commission as being adequate with regard to transportation and access, necessary water supply and waste water disposal facilities, fire and police protection and other public facilities. Furthermore, such conditional uses shall be in harmony with the orderly and anticipated future appropriate development of the district and in no instance shall they cause undue traffic congestion or be classified a traffic hazard. The conditional uses are:

- (a) Caretaker watchmen's quarters.
- (b) Temporary buildings, the use of which is incidental to construction operations or the sale of lots during development. Said structures shall be removed upon completion of said development.
- (c) Accessory uses normally appurtenant to the permitted uses, when established in conformance with the space limits of this district.

b. Prohibited Uses. The uses listed below are prohibited in the district.

- (1) Residential dwelling units.
- (2) Mobile home dwellings.
- (3) Planned mobile home parks.
- (4) Hotels and motels.
- (5) Schools, except trade or vocational educational institutions.

- (6) Churches.
  - (7) Hospitals, except first aid stations when accessory to the industrial uses.
  - (8) All other uses which are not compatible or cannot meet the industrial performance standards.
- c. Industrial Performance Standards. Any industrial use established in Wynne after the effective date of these regulations shall conform to the performance standards as set forth hereunder:
- (1) Physical Appearance: The outdoor display of merchandise or vehicles for sale is prohibited, except when in operable condition. The outdoor storage of merchandise, vehicles, or equipment not on display shall be suitably screened by an opaque fence at least eight (8) feet in height through which said materials, equipment, merchandise, and vehicles cannot be seen from the street.
  - (2) Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, grinding processor, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels, and welding gases when handled in accordance with other applicable regulations.
  - (3) Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line, and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used, and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittance, beat frequency or shrillness.
  - (4) Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or on the ground of liquid wastes of any nature, which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations, or polluting to any water course above that level of pollution certified as acceptable by the Arkansas Department of Pollution Control and Ecology.
  - (5) Air Contaminants: All air contaminants, smoke, and particulates emitted into the air by whatever means shall conform to the Arkansas Air Pollution Control Code as amended.
  - (6) Odor: The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or roasting of nuts and coffee shall normally not be considered obnoxious within the meaning of this ordinance.

- (7) Gases: Gas concentrations in the air shall conform to the Arkansas Air Pollution Control Code, as amended.
- (8) Vibration: All machines including punch presses and stamping machines shall be mounted as to minimize vibration and in no case shall such vibrations exceed a displacement of three thousandths of an inch measured at the lot line. The use of steam or broad hammers shall not be permitted.
- (9) Glare and Heat: All glare, such as welding arcs and open furnaces, shall be shielded so that it shall not be visible from the lot line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

d. Area Requirements. Area requirements for the Industrial District are as follows:

- (1) Minimum Lot Area: None
- (2) Minimum Lot Width: None
- (3) Front Yard Setback: Minimum front yard depth shall be at least fifty (50) feet from the property line and, except for the necessary drives and walks, shall not include off-street parking. For corner lots this shall apply to both streets.
- (4) Rear Yard Setback: Minimum rear yard depth shall be fifty (50) feet except when the zone adjoins a residential zone; then the rear yard shall be a minimum of seventy-five (75) feet, and an eight (8) foot opaque fence with a landscaped buffer shall be erected at the property line.
- (5) Side Yard: Minimum side yard shall be fifty (50) feet except when the zone adjoins a residential zone; then the side yard shall be seventy-five (75) feet and an eight (8) foot opaque fence with a landscaped buffer shall be erected at the property line.

e. Height Regulations. The height regulations set forth in the General Provisions of this document shall be observed. The Planning Commission may waive the height requirements, when it is demonstrated that the equipment and the structure to house the operation require greater height.

12. FP District - Flood Plain: The National Flood Insurance Act of 1968 authorizes the Secretary of Housing and Urban Development (HUD) to provide for the sale of flood insurance at low, subsidized premium rates within those counties and municipalities that are willing to adopt and enforce minimum land use measures that would reduce or avoid future flood losses in connection with new construction.

In order to comply with the identification provisions of the Act, the Federal Insurance Administration with the assistance of the U.S. Corps of Engineers has prepared a flood plain map for the City of Wynne which delineates areas within the City which are subject to flooding with a frequency of a one hundred (100) year flood.

Therefore, in order for the City of Wynne to retain eligibility under the program, special flood hazard areas within the City shall not be subdivided and/or built upon unless the following precautionary measures are taken to eliminate or minimize flood hazards.

a. Restriction of Water Course. Except as hereinafter provided, it shall be unlawful for any person, firm, entity or corporation to:

- (1) Place, deposit or permit to be placed or deposited any debris, fill, sand, stone, or other solid materials across any stream, pond, ditch, culvert, pipe, watercourse, or other drainage system, whether artificial or natural, in the flood plain area as shown on the Flood Plain Map.
- (2) Construct and/or place any ditch, pipe, culvert, or artificial watercourse which shall collect and direct the flow of natural surface waters or drainage or increase in intensity or quantity the flow of surface waters or drainage from paved surfaces, structures, roads or improvements directly into any stream, pond, ditch, culvert, pipe, or watercourse or other drainage system of inadequate capacity in the flood plain area as shown on the Flood Plain Map or any other drainage map or study.
- (3) Fill, obstruct, dam, divert, or otherwise change or alter the natural or artificial flow of waters or drainage or the intensity or quantity of flow, through any stream, ditch, pipe, pond, culvert, watercourse, or other improvement or drainage system in the flood plain area or any other area of the City shown on any other drainage map or study.
- (4) Violate any of the conditions and regulations of this ordinance pertaining to flood plain area.

b. Correctional/Removal of Watercourse Obstruction. Except as hereinafter provided, all existing obstructions, dams, diversions, deposits of debris, fill, sand, stone, or other solid materials, or other alterations or diversions of the natural flow of water the intensity or quantity of flow, through, across, or to any stream, pond, ditch, culvert, watercourse, or other drainage system in the flood plain area or any other areas of the City as shown on the Flood Plain Map or other drainage maps or studies which:

- (1) Causes the inundation of real property and/or buildings on other premises; or
- (2) In the determination of the Planning Commission, constitutes an undue burden upon or hampers the proper present or future course of development of the aforesaid drainage system; or

(3) In the determination of the Planning Commission, presently constitutes or in the reasonably foreseeable future will constitute a danger or hazard to the well-being, safety, or general welfare of the residents of the City or any property located therein;

shall be removed or corrected by the owner(s) of the premises within a period of sixty (60) days after written notice from the City Council.

c. Special Permits. The prohibited acts and correction of existing conditions set forth in Sections a and b, subparagraphs (2) and (3) hereof, shall have no application to work done pursuant to an authority of an agency of the City of Wynne, Cross County, the State of Arkansas, and/or United State of America. Furthermore, the acts set forth in Sections a and b, subparagraph (2) hereof, are permissible if done pursuant to the terms and conditions of a permit obtained from the Enforcement Officer pursuant to an approved and filed subdivision map or a building permit or special permit carrying site development plan approval by the Planning Commission.

d. Plats, Replats, and/or Subdivision Proposals. All plats, replats, or subdivision proposals within the flood plain area shall be submitted to the Wynne Planning Commission for their recommendation on the following:

- (1) That such platting or subdivision proposal is consistent with the need to minimize flood damage.
- (2) That all public utilities and facilities are located, elevated, and constructed to minimize or eliminate flood damage.
- (3) That adequate drainage is provided so as to reduce exposure to flood hazards.

In instances where the Wynne Planning Commission is unable to reach a determination, the review procedures and fees set forth in c above shall apply.

e. Water Supply and Sanitary Sewer Systems. All new or replacement water supply systems and sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood water into the systems and discharge from the systems into flood waters.

f. New Construction, Residential. All new construction or substantial improvements of residential structures within the area of special flood hazards shall have the lowest floor elevated to or above the maximum flood elevation or to the one-hundred-year flood designated by the U.S. Corps of Engineers.

- g. New Construction, Non-Residential. All new construction or substantial improvements on non-residential structures within the area of special flood hazards shall have the lowest floor (including the basement) elevated to or above the level of the one-hundred-year flood, together with utility and sanitary facilities to be flood-proofed up to the level of the one-hundred-year flood.

13. AP District - Airport: The purpose of this district is to establish height regulations in the vicinity of the airport for safety of both aircraft and structures.

- a. Application. This district shall overlay land classified within other districts. The following regulations shall apply to that land as well as the other regulations of the district. Where there is a conflict between the provisions of this section and those of the underlying zoning district, the more restrictive height limitations shall apply.
- b. Regulations.
  - (1) No structure shall be constructed which interferes with aircraft operations or safety.
  - (2) No structure or tree shall be constructed or maintained within this district which exceeds a height of forty-five (45) feet above the ground surface.

#### E. MISCELLANEOUS REGULATIONS

##### 1. Off-Street Parking and Drives:

- a. Off-street parking areas shall be provided, according to the standards set forth herein, for each use of land and each building or structure hereafter constructed or established. Additional parking areas also shall be required when a structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, and may be required before conversion for one zoning use and/or occupancy to another depending on requirements for the new occupancy.
- b. For the purpose of this regulation, a permanent off-street parking space shall be at least 180 square feet in size with vehicular access to a street or alley for the specific uses set forth herein. For lots with no access to either a public or private alley, the City reserves the right to control ingress and egress over public rights-of-way.
- c. Parking spaces shall be 9' x 20'. Each space must be immediately adjacent to the vehicular access; that is, no required space can be provided behind another space.



- d. Parking areas shall be arranged so that it is not necessary to back out into the public street in order to exit.
- e. Drives in parking areas shall be wide enough to accommodate the expected traffic (whether one-way or two-way) and to provide adequate backing room, depending on the angle of parking. Drives shall be a minimum of 11 feet for one-way traffic with parallel parking, a minimum of 11 feet with 30° parking (the angle measured from the edge of the drive), a minimum of 13 feet for 45° parking, a minimum of 18 feet for 60° parking, and a minimum of 22 feet for 90° parking. Two-way drives shall be a minimum of 22 feet wide.
- f. The number of required parking spaces shall be computed by rounding to the nearest whole number, and in the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- g. For the uses listed below, off-street parking shall be provided in amounts specified and at locations specified. For any use not listed, the Planning Commission shall determine the proper requirement by classifying the proposed use among the uses specified herein so as to ensure equal treatment. The following requirements shall apply:
  - (1) Single-family and duplex dwellings: At least two (2) spaces for each dwelling and/or family unit.
  - (2) Multi-family dwelling: Two (2) spaces for each dwelling unit containing two (2) or more bedrooms; one and one-half (1.5) spaces for every other unit.
  - (3) Boarding, Rooming, and Lodging Houses: At least one (1) parking space for each room or unit.
  - (4) Tourist Accommodations: At least one (1) parking space for each room or unit, plus 10%.
  - (5) Schools, public and private:
    - (a) Kindergarten and Nursery: 1 for each 5 children.
    - (b) Grades 1 through 9: 2 for each classroom or 1 for each 5 seats in the school's auditorium, whichever is greater.
    - (c) Grades 10 through 12: 5 for each classroom or 1 for each 5 seats in the school's auditorium, whichever is greater.
    - (d) College and university: 8 for each classroom or 1 for each 300 square feet of floor area of each university or college building, whichever is greater.
  - (6) Hospitals and Nursing Homes: One (1) parking space for each two (2) beds.
  - (7) Medical Office: One (1) parking space for each 150 square feet of total floor area of all floors in building except basement level.

- (8) Retail Stores Providing Goods and Services: One (1) parking space for each 200 square feet of area.
  - (9) Banks, Professional Offices, and General Offices: One (1) parking space for each 200 square feet of area.
  - (10) Theaters, Auditoriums, Stadiums, Funeral Homes, Churches, or Other Uses Designed as a Place of Public Assembly: At least one (1) parking space for each five (5) seats provided in such place of assembly, or where no fixed seats are provided, one (1) parking space for each fifty (50) square feet of main assembly area.
  - (11) Warehouse and Wholesaling: At least one (1) parking space for each 500 square feet of floor area, or one (1) parking space for each two (2) persons employed computed on the basis of total number of employees on the two (2) largest consecutive shifts, whichever is greater. In addition, there shall be provided vehicle storage or standing space for all vehicles used directly in conjunction with such establishments.
  - (12) Mortuary or Funeral Home: At least one (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors, or individual funeral service rooms, plus one (1) parking space for each employee and one (1) space for each vehicle operating from the premises.
- h. If off-street parking space required above can not be reasonably provided on the same lot upon which the principal use is conducted, the Planning Commission may permit such space to be provided on other off-street property, provided that such space lies within four hundred (400) feet of the main entrance to said principal structure. Such parking space shall be deemed to be required parking space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- i. Off-Street Loading and Unloading Space. Every building or structure used for business or trade shall provide adequate space for loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street.
- j. Access Control on City Streets. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the point of contact, the following items shall apply:
- (1) A point of access (i.e., a driveway or other opening for vehicles onto a street) shall not exceed twenty-four (24) feet for two lane drive or thirty-six (36) feet for three lane drive (a three lane drive allows one entry and two exit lanes).
  - (2) There shall be no more than two (2) points of access to any one public street for each hundred (100) feet of frontage in any lot. Lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.

- (3) No point of access shall be allowed within twenty (20) feet of the right-of-way of any public street intersection or within thirty (30) feet of another access in the same lot.
- (4) Where sidewalks exist or are planned, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.
- (5) No curbs on city streets or rights-of-way shall be cut or altered without written approval of the City Engineer and/or the City Planning Commission.
- k. Obstruction of Vision at Street Intersection Prohibited. On any corner lot which is not in the central business district and is within the area formed by the centerlines of intersecting or intercepting streets and a line joining points of such centerlines at a distance of fifty (50) feet from their intersection, there shall be no obstruction to vision (i.e. fences, shrubs, etc.) between a height of two and one-half (2½) feet and a height of eight (8) feet above the average grade of each street at the centerline thereof.

The Planning Commission may reduce this requirement where safety conditions will not be impaired.

2. Building Height: No building shall exceed thirty-five (35) feet in height except that free standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height, provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory building shall exceed fifteen (15) feet in height.

3. Signs:

- a. No sign shall be erected in such a manner as to create a traffic hazard by obstructing vision, or any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal.
- b. In any Residential district, no sign or sign structure shall be painted, erected, or located upon or above the roof of any building.
- c. No illuminated sign shall be permitted which faces the front, side or rear lot lines of any residential district when located within fifty (50) feet thereof. No flashing sign shall be permitted within one hundred (100) feet of any residential district if said sign is visible from the residential district.
- d. Accessory Signs. Accessory signs or sign structures may be erected or placed in any residential district subject to the following conditions:

- (1) Churches, schools, community centers, or other public or institutional buildings may have identification signs or bulletin boards not larger than twenty (20) square feet in area, and shall be located at least ten (10) feet from the property line.
  - (2) One nonilluminated real estate sign advertising the sale, rental, or lease of the premises on which it is maintained shall be permitted on any lot provided it is not larger than twelve (12) square feet in area.
  - (3) A temporary sign or signs, each not exceeding two hundred (200) square feet in area, advertising a subdivision may be placed in said subdivision during the initial sales and development period, provided the sign or signs are located at least fifty (50) feet from any abutting property line and are removed within ninety (90) days after completion of the last house or sale of the last lot in the subdivision.
  - (4) One (1) sign not over twelve (12) square feet in area denoting the architect, engineer or contractor may be placed upon work under construction for temporary use.
- e. Advertising Signs. Advertising signs may be placed in any Commercial or Industrial district, subject to the following conditions:
- (1) Advertising signs or sign structures which are not attached to and wholly supported by a building shall not extend more than one (1) foot into a yard required in these regulations.
  - (2) Advertising signs attached to and wholly supported by a building shall not project more than four (4) feet from any building, and the bottom of such sign shall not be less than eight (8) feet above the ground or sidewalk.
- f. Business Signs. Business signs may be placed in the front side yards of any Commercial or Industrial district, subject to the following conditions:
- (1) If a sign or the sign structure are four (4) feet or more in height, then the bottom of said sign structure must be elevated to not less than eight (8) feet above the ground with the supporting structures so designed as to allow maximum visibility.
  - (2) The gross area of a sign or sign structure, including framing, but excluding supports, shall not exceed two hundred (200) square feet.
- g. Business Signs in Office District. Signs in the Office district must be affixed to the building, below the roof line, and shall not exceed twelve (12) square feet in area.

4. Home Occupations: A business, occupation or profession carried on within a residential dwelling by the resident thereof shall have the following characteristics:

- a. There shall be no external evidence of the occupation with the exception of one unlighted name plate of not more than one (1) square foot in area attached flat against the building. Advertising displays and advertising devices displayed through a window of the building, shall not be permitted.
- b. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line.
- c. The structure used to accommodate the home occupation shall be the primary residence of one or more persons involved in the home occupation.
- d. There shall be no structures or exterior alterations of the structure which are for a non-residential use.
- e. There shall be no customer parking established; only parking provided for residential use is permitted.
- f. There shall be no commercial vehicles operating from the residence.
- g. There shall not be a stock of goods on the premises in excess of thirty (30) cubic feet in volume, none of which shall be of flammable nature.
- h. The term "home occupation" shall not be interpreted to include:
  - (1) Commercial stable or kennel.
  - (2) Sales to customers on the premises.
  - (3) Veterinary surgeon.
  - (4) Commercial repairing of automobiles, appliances, equipment or similar items.

5. Places of Public Assembly:

- a. Yard Requirements. All places of public assembly shall have a minimum yard setback of twenty-five (25) feet except when said yard abuts a public right-of-way; then the yard requirement shall be thirty (30) feet or fifty-five (55) feet from the center of the street, whichever is greater.

6. Alleys: Alleys shall be required in all C-1 and C-2 Commercial zones. Alleys shall be required in C-3 Commercial zones only when the commercial frontage is continuous, intersection to intersection, along the front property line.

- a. Width of alleys shall be a minimum of thirty (30) feet where required.
- b. When a commercial zone adjoins a residential zone, a six (6) foot opaque screening fence shall be required and placed on the commercial property.
- c. Alleys shall be prohibited in all zone designations except commercial zones, unless approved by the Planning Commission.

7. Annexation:

- a. Territory annexed to the City of Wynne after adoption of this regulation shall be given zone designations within ninety (90) days after the effective date of annexation in accordance with the amendment procedures set forth in this regulation.
- b. Before official zone designation is made after annexation, all requests for building permits shall be referred to the City Planning Commission. The City Planning Commission may issue a permit if said use conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.
- c. All unzoned territory which may hereafter be included in the City of Wynne zoning jurisdiction by virtue of subsequent extensions of the City's corporate limits, by the powers of annexation, shall automatically be zoned A-1, Agricultural District, if the Planning Commission fails to take action within ninety (90) days after the effective date of annexation.

F. PLANNED DEVELOPMENT REGULATIONS

1. General: An application for a Planned Development may be made for any property covered by these regulations. The application shall state specifically the uses within the development, setbacks, building heights, and any other information that the applicant wishes to include.

Procedures for reviewing and approving the application are the same as for requesting a zoning district change.

The application may be approved with changes or additions, or rejected. If approved, the applicant shall prepare a plat of record showing specifically all the restrictions and conditions imposed on the Planned Development, and this plat shall be recorded by the County Recorder and made a public record. This plat will then establish the land use and site restrictions for the property involved, regardless of the zoning district in which it lies.

2. Uses of Planned Developments: The intent of establishing Planned Development regulations is to allow greater flexibility in building than is allowed within specific districts. Following are examples of the uses to which a Planned Development might be put:

a. To Limit the Specific Uses Allowed. A particular use may be desirable on a parcel, but that use might be only one of those allowed in a zoning district which also allows other, non-desirable, uses. The Planned Development can state specifically what use or uses are allowed.

b. To Permit a Mixture of Uses. Some developments, particularly large ones, may benefit from including a mixture of residential, office or commercial uses within the same project. In a Planned Development, a mixture of specific uses can be accomplished and specific locations for each of those uses established.

c. To Vary Height, Setback, Parking or Subdivision Construction Standards. Because of topography, existing vegetation, or unusual site conditions, a superior design and site plan may be produced by varying from standard setbacks, etc. Also, particular uses may require parking amounts which are different from those required elsewhere in these regulations, and the volume of traffic or other considerations may dictate variations from subdivision standards in construction of roads, drainage structures, etc. The Planned Development allows a means of adapting to these special conditions.

3. Requirements of Applications: While it allows variations from the standard zoning district regulations, the Planned Development must also satisfy the community's goals and objectives, which the district regulations implement.

The applicant must show, through a site plan and other drawings or documents as necessary, adequate information to fully explain the physical characteristics of the project. The burden shall be on the applicant to show that the proposed variations from the standard district regulations are adequate to serve the project and the community.

As a minimum, the drawings and other design documents submitted with the application must be prepared by a competent design professional, and designs for specific variations shall be described and attested to by a professional who is competent in that field.

The application for Planned Development should include at least the following:

a. A certified boundary and topographic survey with contour intervals no greater than two (2) feet showing existing trees (either as tree masses or as individual trees four (4) inches in caliper or more) and any other significant site features.

b. A general site plan, drawn to scale, showing topographic and existing site features to be retained, locations of structures on adjoining properties, and all other information which establishes the general characteristics of the project. The plan must show setbacks from every property line, areas devoted to parking, areas devoted to building, areas devoted exclusively to open space, and a statement as to building height in different portions of the site. This plan shall also contain a written statement of the uses proposed in the project, a total number of parking spaces, total building area, and any other information necessary to fully explain the nature and character of the project.

Note: The General Site Plan, if approved becomes the Approved General Plan. It will be most useful for projects which are intended to be built in phases; but for each phase, a Final Site Plan must also be prepared and approved and a plat recorded. The submission of a General Site Plan is optional with the applicant.

- c. A final site plan, requiring a detailed site plan, drawn to scale, showing topography, existing site features to remain, buildings, parking spaces, walks and all other information necessary to describe the exact location of each physical feature to be added to the site. The plan shall contain a written statement of permitted uses and building heights. Structures on adjoining properties shall also be shown.

Note: Only a Final Site Plan is required for projects to be built in one phase. The Final Site Plan must be approved and recorded before a building permit can be issued.

- d. A petition with the General Site Plan (or with the Final Site Plan if no General Site Plan is submitted). The applicant must submit a written petition stating at least the following:

- (1) Name of proposed project.
- (2) Name of property owner(s).
- (3) Statement that all owners and lenders for whom the property is security agree in writing to abide by the provisions of the approved Planned Development (the recorded plat shall contain statements to that effect, with signatures by those legally able to bind the various entities).
- (4) A description of the proposed uses on the property, identified by the portions of the property they are to occupy.
- (5) A statement outlining the particular variations from standard zoning district regulations and reasons for each variation.
- (6) A statement explaining how the project will relate to adjoining properties.
- (7) A description of any specific features of the project which go beyond the requirements of the zoning district regulations.
- (8) Any additional information the applicant believes should be considered in reviewing the application.

4. Procedures: The applicant may file with the petition either a General Site Plan or a Final Site Plan.



The application shall be reviewed by the Planning Commission in accordance with the procedures described in Section II.B.2, including public notice of the public hearing. The Planning Commission will make a recommendation either to approve, to approve with conditions, or to reject the application. The recommendation will be forwarded to the City Council and, in accordance with its normal procedures and notification of public hearings, the City Council will either approve, approve with conditions, or reject the application.

If a General Site Plan is approved, the application shall prepare a legal plat containing a certificate of survey, a drawing to scale showing all the features and restrictions on the site, statement of uses permitted, maximum building area, minimum number of parking spaces, and any other conditions or requirements required by the City Council. Signatures binding the owners and mortgage holders of the property to the conditions expressed on the plat shall be affixed to the plat. This plat shall be recorded with the County Recorder and shall become the Approved General Site Plan for the property in question.

Once the Approved General Site Plan has been recorded, a Final Site Plan for any portions of the project may be approved by the Enforcement Official. This official shall compare the Final Site Plan with the Approved General Site Plan to see if it complies. If it does, he may allow the applicant to make a plat of the Final Site Plan for recording. If he finds the Final Site Plan not in accordance with the Approved General Plan, the applicant may either change the Final Site Plan to meet the official's approval or he may appeal the official's decision to the Planning Commission by following the same application procedure followed in submitting the original application.

If a Final Site Plan is submitted in the initial application and is approved, a plat shall be prepared and recorded as described above for the General Site Plan, except that the plat of the Final Site Plan shall show each building, parking space, drive and all other physical features which are to remain or to be constructed. The plat shall also show permitted uses, building heights, setbacks, and all other conditions of approval. Once the plat of the approved Final Site Plan is recorded by the County Recorder, the applicant may be issued a building permit under the procedures established by the City of Wynne, once the Building Official has compared the plans submitted with the building permit application for compliance with the recorded plat. A permit shall be issued only if the Approved Final Plan is complied with in every respect.

If variations from the Approved General Plans are desired by the applicant, that General Plan must be modified following the same procedures established for the initial application.

#### G. ENFORCEMENT AND ADMINISTRATION

##### 1. Responsibility:

- a. An Enforcement Officer shall be appointed by the Mayor and approved by the City Council to be responsible for the administration and enforcement of these regulations.

- b. The City Clerk, with the assistance of the City Engineer, shall be responsible for revising the City Zoning District Map after changes have been approved by the City Council.

2. Building Permits:

- a. No structures shall be erected, moved, added to, nor structurally altered without a building permit. No building permit shall be issued except in conformity with the provisions of these regulations, except after written order by the Planning Commission.
- b. A building permit will be issued only when the application has been approved by the Enforcement Officer as meeting requirements of these regulations. All applications for building permits shall be accompanied by a plan, submitted in duplicate, and drawn to scale, which shows the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such application and plans shall be kept in the office of the City Clerk and submitted to the Planning Commission at the next regular meeting for review.
- c. One copy of the site plan shall be returned to the applicant after the Enforcement Officer shall have marked such copy either as approved or disapproved and attested to same by his signature. The second copy of the site plan, similarly marked, shall be retained by the Enforcement Officer in the files of the City.

3. Use and Occupancy Permits:

- a. No structure shall be occupied unless and until a Use and Occupancy Permit is issued by the Enforcement Officer. For any new or remodeled structure for which a building permit was issued, the Use and Occupancy Permit shall be issued only after all inspections have been made and the building inspector is satisfied that the structure is in compliance with these zoning regulations and with the Building Code.
- b. For every existing structure (other than residential structures where no Home Occupations take place), no Business Privilege License may be issued or renewed until a Use and Occupancy Permit is obtained.

4. Violations:

- a. If the Enforcement Officer finds that the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violation.
- b. Should the person responsible for such violation fail to take the necessary action to correct it, the Enforcement Officer shall notify the Mayor. The Mayor shall notify the City Attorney of said violations and he shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

5. Penalty for Violation: Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of \$50.00 for each offense. Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinbefore provided.

6. Provisions of Regulations Declared to be Minimum Requirements: In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.