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SECTION 1.PURPOSE AND AUTHORITY The zoning regulation and districts as herein set forth have been made in accordance with the comprehensive plan for the purposes of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lesson congestion in the streets, to secure safety from fire and other dangers, to provide adequate light and air, to prevent the overcrowding of land and to avoid undue concentration of population, to facilitate the adequate provision of water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

SECTION 1-1. CONFORMING TO PLANS The City planning Commission of Tyronza, Arkansas, having made a comprehensive study of present conditions and future growth of the city, and prepared and adopted a land use plan, finds that this regulation would carry out the intent of the Land Use Plan.

<u>SECTION 2.</u> <u>DEFINITIONS.</u> Certain words and phrases shall, for the purpose of this regulation have the following meaning:

- A. For the purpose of this Regulation certain terms or words use herein shall be interpreted or defined as follows:
 - 1. Words used in the present tense include the future tense;
 - 2. Words in the singular include the plural, and words in the plural include the singular:
 - 3. The word "shall" is mandatory, not directive, and the word "may" is permissive;
 - The word "structure" includes the word "building" and
 - 5. The word "lot" includes the word "plot".
- B. Certain words in this Regulation are defined for the purposes hereof as follows:
 - 1. Accessory Structure: A subordinate structure located on the same lot with the principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory shall be considered as a part of the principal structure.
 - 2. Accessory Use: A use which is customarily incidental to the principal use, such as a garage for the storage of an automobile by occupant of residence. In buildings restricted to residential use, the office of a professional man or customary family occupations and workshops not conducted for compensation shall be deemed accessory use.
 - 3. <u>Alley:</u> A minor public way use used for utility easements and vehicular service access to back or side of property facing a street. a public way not over twenty (20) feet in width.
 - 4. <u>Area:</u> This term refers to the amount of land surface in a lot or parcel of land.
 - 5. <u>Area Requirement:</u> The yard, lot area, width of lot, height of structure, and parking requirements as set forth for a specific zone in this Regulation.
 - Building or Structure: Any structure constructed or used for residence, business, or industry, or other public or private purposes, or accessory thereto.

- 7. <u>Building, Accessory:</u> A subordinate building, the use of which is incidental to that of the principal building on the same lot.
- 8. <u>Building, Height of:</u> The vertical distance from the established average sidewalk grade or street grade or finished grade at the building line, whichever is highest to the highest point of the building, extending spires, towers and domes not for human occupancy, flag poles, masts and aerials.
- 9. <u>Building, Principal:</u> A building or structure in which is conducted the principal use of the lot on which it is located. In any residential district any dwelling shall be deemed to be the principal building on the lot on which same is located.
- 10. <u>Commission:</u> The Planning Commission of the City of Tyronza, Arkansas
- 11. <u>Conditional Uses:</u> A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the Planning Commission that under the particular circumstances present such use is in harmony with the permitted uses of the zone. Allowable conditional uses are specifically listed under the district regulations. uses not so listed shall not be allowed as conditional uses.
- 12. <u>Council:</u> The City council of the City of Tyronza Arkansas
- 13. <u>District:</u> A section or sections of the City of Tyronza for which regulations governing the use of buildings and premises, and building height and area are prescribed.
- 14. <u>Dwelling:</u> A structure or portion of a structure designed as the living quarters for one family. The dwelling may be a detached structure or it may be attached to one or more additional dwellings. The term shall not be deemed to include mobile or manufactured homes.
- 15. <u>Dwelling Detached:</u> A free standing structure for one family occupancy.
- 16. <u>Dwelling Attached:</u> A structure containing two or more dwellings.
- 17. <u>Dwelling Complex:</u> Two or more structures on a common parcel or lot consisting of two or more dwellings in each structure.

- 18. <u>Family: One or more persons occupying premises and living as a single, non-profit housekeeping unit.</u> A family shall be deemed to include the necessary servants.
- 19. <u>Gasoline Service Station:</u> An establishment, the business of which is the operation of a motor fuel dispensing station, where repair work is limited to lubricating and washing of motor vehicles, changing and minor repair of tires, and where no body work or major chassis or motor repairs are made.
- 20. <u>Home Occupation:</u> A business, occupation or profession carried on within a residential dwelling or accessory building by a resident thereof.
- 21. <u>Lot:</u> A zoning lot unless the context shall clearly indicate a lot of record, in which case a "lot' is a lot of record.
- 22. <u>Lot Line or Property Line:</u> The boundary dividing a given lot from a street, alley, or adjacent lots.
- 23. 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 zoning compliance is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or unified ownership or control, as assigned to a particular use, building or structure, for which a building permit or certificate of zoning compliance are issued or including such area of land as may be required by the provisions of this regulation for such use, building or structure.
- 24. Lot A lot which is part of a plat or a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded, both of which have been recorded of the effective date of these regulations.
- Mobile Home: A residential structure transportable in one or more sections and built prior to June 15, 1976, the effective date for the Federal Manufactured Housing Construction Safety Standards Act of 1974, which is larger than 320 square feet and designed to be used as a year around residential dwelling unit. A mobile home under this definition shall only be permitted to be placed in a mobile home park as defined herein.

- Manufactured Home: A detached single -family dwelling unit manufactured on or after June 15, 1976, in an off-site manufacturing facility for the installation and assembly at the building site as a permanent structure with transport features removed, bearing the seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code of Federal Regulations, Title 24, Part 3280, 3282, 3283 and 442 USC 5401, ET SEQ as amended in the United States Department of Housing and Urban Development.
- Mobile Home Park: A tract of land that is used, designated, 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 and or sales.
- 28. <u>Non-Conforming:</u> A structure or use of land existing at the time of enactment of this regulation, and which does not conform to the requirements of the district or zone in which it is situated.
- 29. Open Space: An unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portions of structures whatever.
- 30. <u>Parking Space:</u> An on-lot space for parking one motor vehicle having an area of not less than two hundred (200) square feet exclusive of space necessary to provide access to street or alley turn arounds, and all isle space.
- 31. <u>Permitted Uses:</u> That use of a zoning lot which is among the uses allowed as a matter of right under the zoning district.
- 32. <u>Places of Public Assembly</u>: A meeting place for more than thirty-five (35) persons to which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.
- 33. Principal Use: The main recognized use of a structure or of land.

- 34. <u>Prohibited Uses:</u> A use of land or a structure which is not excluded from a zone by the operation of other provisions of the zone, but which is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.
- 35. Story: That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four (4) feet.
- 36. <u>Street:</u> A public way of more than twenty (20) feet established by or maintained under public authority, a private way open for public use, and a private way plotted or laid out for ultimate public use, whether or not constructed or dedicated.
- 37. <u>Structure:</u> Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards, and poster panels.
- 38. Open Uses in Undeveloped Areas: Any activity whose operation is conducted entirely out of doors, or within the confined of a temporary shelter, and as a matter of normal operation are transient in nature.
- 39. <u>Variance:</u> A modification variation of the provisions of this Regulation as applied to a specific piece of property.
- 40. <u>Yard:</u> The horizontal distance from a lot line to a parallel designated line. A yard is an open and unoccupied space extending the full distance of the lot.

<u>SECTION 3.</u> <u>AGRICULTURAL ZONE (AG).</u> A zone to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural use land suited to the eventual development in other uses pending proper timing for practical and economical provision of city services.

A. Permitted Uses

- 1. Agriculture including field crops, <u>vanimal</u> <u>husbandry</u> and horticulture activities. concentrated activities such as feeding livestock are subject to city ordinances and health department regulations.
- 2. Ranch and farm dwellings directly related to agricultural operations.
- Dwellings detached.
- 4. Manufactured housing, when in conformance with all the requirements in Section 10-15, General Provisions
- 5. Parks, recreation areas, and country clubs.
- 6. Schools offering a general education course.
- Recreational camps operated by public, charitable, or religious organizations.
- 8. Buildings and installations necessary to operate public utilities.
- Greenhouses.
- 10. Buildings and uses of a religious, cultural, or public service type.
- Business supporting agricultural operations; limited to grain storage and drying, and serial applicator services.
- 12. Cemeteries.
- 13. Accessory structures and uses pertinent to the principal structure and use.
- 14. Mini-storage with retal units no larger than 400 square feet.

B. Yard Requirements

- 1. Front yard: Minimum of 50 feet from front street property or right-of-way line.
- Side yard: Minimum of 25 feet from each side property line.
- Side yard street: Same as front yard requirement.
- Rear yard: Minimum of 25 feet from the rear property line.
- Maximum ground coverage including accessory buildings: 20 percent.

C. Lot Area

1. Minimum lot area: five (5) acres.

D. Lot Width

1. Minimum width of a lot at the front yard line or building line shall be 150 feet.

E. Height

1. Maximum height of dwelling structure shall be 30 feet and not exceed 2.5 stories. There is no height restriction on any other structure except dwelling structure.

F. On-lot Parking Space

- 1. Dwellings: At least one on-lot parking space shall be provided.
- Places of public assembly such as schools and churches establishing in a new location after the effective date of this regulation shall provide one on-lot parking space per each six persons accommodated in the assembly hall and adequate parking for all employees.
- 3. All other uses shall provide adequate parking to accommodate all employees; and customer or visitor parking to handle normal anticipated demand.

SECTION 4. RESIDENTIAL ZONE (R-1) A zone of single-family residences of low density including supporting residential facilities as churches, schools, and recreational facilities.

A. Permitted Uses

- Dwelling detached
- 2. Churches
- 3. Schools offering a general education course
- 4. Library
- 5. Parks, playgrounds, etc.
- 6. Non-commercial recreation or water supply use
- 7. Accessory structures and uses pertinent to the principal structure and use
- 8. Home occupations.
- 9. Agriculture including field crops, animal husbandry, and horticulture activities, subject to city ordinances and health department regulations.

B. Yard Requirements

- 1. Front yard: Minimum of 25 feet from front street property or right-of way line.
- 2. Side yard: Minimum of 10 feet from each side property line.
- 3. Rear yard: Minimum of 10 feet from the rear property line.

C Lot Area

1. Dwelling - Detached: Minimum of 7,500 square feet.

D. Lot Width

1. Dwelling - Detached: Minimum width of a lot at the front yard line or building line shall be 60 feet.

E. Height

1. Maximum height of structure shall be 30 feet and not exceed two and one half stories, except in the case of a church steeple.

F. On-lot Parking Space

- Dwellings Detached: At least two on-lot parking spaces shall be provided.
- Places of public assembly establishing in a new location after the
 effective date off this regulation shall provide one on-lot parking
 space per each six persons accommodated in the assembly hall.

<u>SECTION 5. RESIDENTIAL ZONE (R-2)</u> A zone of medium residential density with supporting facilities such as churches, schools, and recreational facilities.

A. Permitted Uses

- 1. Dwelling detached
- 2. Dwelling attached
- 3. Dwelling complex
- 4. Manufactured housing, when in conformance with all the requirements in Section 10-15, General Provisions
- Churches
- Parks, playgrounds, etc.
- Schools offering a general education course
- 8. Accessory structures and uses pertinent to the principal structure and use
- 9. Home occupations
- Agriculture including field crops, animal husbandry, and horticulture activities, subject to city ordinances and health department regulations.

B. Yard Requirements

- 1. Front yard: Minimum of 25 feet from front street property or right-of-way line.
- 2. Side yard: Minimum of 10 feet from side property line.
- 3. Side yard street: Minimum of 10 feet form side street property or right-of-way line.
- 4. Rear yard: Minimum of 10 feet from rear property line.
- Dwelling Complex: Minimum of 20 feet between structures.

C. Lot Area

- 1. Dwelling Detached: Minimum of 7,000 square feet.
- Dwelling Attached: Minimum of 9,000 square feet for the first two dwelling units plus a minimum of 2,000 square feet for each additional dwelling unit in structure.
- 3. Dwelling Complex: Minimum of 9,000 square feet for the first two dwelling units plus 2,000 square feet for each additional dwelling unit in structure.

D. Lot Width

- Dwelling Detached: Minimum width of lot at the front yard line or building line shall be 60 feet.
- Dwelling Attached: Minimum width of lot at front yard line or building line shall be 65 feet for two dwelling units plus 10 feet for each additional dwelling unit in structure.
- 3. Dwelling Complex: Same as for dwelling attached.

E. Height

1. Maximum height of a structure shall be 30 feet and not exceed 2.5 stories, except for church steeples.

F. On-lot Parking Space

- 1. At least two on-lot parking space shall be provided for each dwelling unit.
- Places of public assembly establishing in a new location after the effective date of this regulation shall provide at least one on-lot parking space per each six persons accommodated in the assembly hall.

SECTION 6. RESIDENTIAL ZONE (R-3) This is a zone of highest residential density with supporting facilities including churches, schools, recreational, and local retail neighborhood.

A. Permitted Uses

- Dwelling -detached
- Dwelling attached
- Dwelling complex
- 4. Mobile home parks, when in conformance with all the requirements in Section 10-14, General Provisions
- 5. Manufactured housing, when in conformance with all the requirements in Section 10-15, General Provisions
- 6. Zero lot line, when in conformance with all the requirements in Section 10-13, General Provisions
- 7. Churches
- 8. Parks, playgrounds, etc.
- 9. Schools offering a general education course
- 10. Accessory structures and uses pertinent to the principal structure and use
- 11. Home occupations
- 12. Agriculture including field crops, animal husbandry, and horticulture activities, subject to city ordinances and health department regulations.

B. Yard Requirements

- 1. Front yard: Minimum of 20 feet from front street property or right-of-way line.
- 2. Side yard: Minimum of 7 1/2 feet from side property.
- 3. Rear yard: Minimum of 7 1/2 feet from rear property line.

C. Lot Area

- Dwelling Detached and Manufactured housing: Minimum of 5,500 square feet.
- 2. Dwelling Attached: Minimum of 7,000 square feet for the first two dwelling units in each structure plus minimum of 1,500 square feet for each additional unit in the structure.

3. Dwelling - Complex: Minimum of 7,000 square feet for the first two dwelling units in each structure plus minimum of 1,500 square feet for each additional unit in the structure.

D. Lot Width

- 1. Dwelling Detached and Manufactured housing: Minimum width of lot at the front yard line or building line shall be 50 feet.
- 2. Dwelling Attached: Minimum width of lot at front yard line or building line shall be 60 feet for two dwellings plus 10 feet for each additional dwelling in the structure.
- Dwelling Complex Same as for dwelling attached.

E. Height

1. Maximum height of a structure shall be 30 feet and not exceed 2.5 stories, except for church steeples.

F. On-lot Parking Space

- At least two on-lot parking space shall be provided for dwelling attached.
- 2. At least four on-lot parking spaces shall be provided for the first two dwelling units in dwelling attached and dwelling complex plus at least one on-lot parking space for each additional dwelling unit in that structure.
- 3. Places of public assembly establishing in a new location after the effective date of this regulation shall provide at least one on-lot parking space per each six persons accommodated in the assembly hall.

<u>SECTION 7.</u> <u>CENTRAL BUSINESS DISTRICT (CBD)</u>. This zone is intended for the conduct of retail and commercial businesses and provision of personal and professional services.

A. Permitted Uses

- 1. Retail establishments providing goods and services such as grocery, drug, hardware, variety stores and similar uses, and hotels, motor hotels, restaurants.
- 2. Office and bank buildings and uses.
- 3. Commercial enterprises that by the nature of their operation are not a nuisance in respect to noise, odor, dust, vibration, etc.
- 4. Wholesaling and warehousing.
- 5. Bulk storage of non-combustible materials.
- 6. Automotive service, repair and storage.
- 7. Any use found to be compatible to the zone as approved by the planning commission.
- 8. Agriculture including field crops, animal husbandry, and horticulture activities, subject to city ordinances and health department regulations.

B. Yard Requirements

- 1. Front yard: None required.
- 2. Side yard: None required.
- 3. Rear yard: None required.

<u>SECTION 8. GENERAL COMMERCIAL ZONE (C)</u>. This zone is of a retail and service nature that is primarily dependent on the automobile and the traveling public. The Purpose of this zone is to provide adequate set-back and of-street parking in order to maintain the efficiency of the streets which serve the zone.

A. Permitted Uses

- 1. Retail establishments providing goods or services
- 2. Office buildings and uses
- 3. Automotive service stations and automotive repairs
- 4. Motels, tourist courts, recreation vehicle parks, hotels etc.
- Veterinarian clinics
- 6. Any use found to be compatible to the zone as approved by the planning commission.
- 7. Agriculture including field crops, animal husbandry, and horticulture activities, subject to city ordinances and health department regulations.

B. Residential use Prohibited

1. No structure may be constructed or altered for residential use.

C. Lot Area

1. Minimum lot area: 10,500 square feet.

D. Street Yard Requirements

1. Minimum of 25 feet from front or side street property or right-ofway lines

E. On-lot Parking Space

- 1. On-lot parking facilities shall be provided all employees.
- 2. Provisions shall be made for on-lot and customer parking to handle normal anticipated demand.
- 3. Motels, tourist courts, and similar uses shall provide at least one on-lot parking space for each sleeping.

F. Loading and Unloading

1. Loading and unloading facilities shall be provided so as not to block any public way.

G. Height

1. Maximum height of a structure shall be 35 feet and not to exceed three stories.

<u>SECTION 9. INDUSTRIAL ZONE (I).</u> The area for general manufacturing and industrial activities, and for commercial storage of goods, is provided in this zone.

A. Permitted Uses

- 1. The manufacturing, compounding, processing, packaging, or assembling of products, when it is found by the enforcement officer that the specific location and the safeguards provided will so reduce the noise, dust, odor, or vibration so as not to be detrimental or dangerous to the health, safety, or general welfare of the people.
- 2. Storage of bulk materials, when it is found by the enforcement officer that the specific location and the safeguards provided will so reduce the danger of fire or explosion as not to be dangerous to the health, safety, or general welfare of the public.
- 3. Agriculture including field crops, animal husbandry, and horticulture activities, subject to city ordinances and health department regulations.

B. Residential Use Prohibited

 No structure may be constructed or altered for residential use, except residential quarters necessary to the operation of the industrial use.

C. Area

 Lot Coverage: No structure may cover more than 33 1/3 percent of the lot area, except bulk storage operation may cover 66 2/3 percent.

D. Yards

- 1. All structures shall be built at least 35 feet from all street property of right-of-way lines, and 15 feet from all other property lines.
- 2. Where property abuts a railroad where siding facilities are utilized, structures may be built up to the railroad property or right-of-way line.

E. On-lot Parking

 Adequate on-lot parking space shall be provided for all employees and visitors.

F. On-lot Loading and Unloading Facilities

- Each structure or use shall provide on-lot loading and unloading facilities which will not block a street, alley, or other public way.
- G. The Board of Adjustment may permit an increase of lot coverage for any industry established after the effective date of this regulation provided said industry has been in operation at least three years and that the lot coverage does not exceed forty (40) percent of the lot area.

<u>SECTION 10. GENERAL PROVISIONS</u> - For the purpose of this Regulation there shall be certain general provisions which will apply to the City as a whole.

SECTION 10-1. GENERAL INTERPRETATION

Any use that is not specifically permitted in a district as a permitted use, an accessory use or a conditional use, is hereby specifically prohibited. In the Regulations for some zones specific excluded uses are enumerated for clarification of intent, but such lists of excluded uses are not to be interpreted as including all excluded uses.

SECTION 10-2 PROCEDURE TO DETERMINE COMPATIBLE USE

- A. The Planning Commission shall hear requests for determining whether a particular use proposed, not explicitly set forth in the permitted uses for a zone, is compatible (i.e., in character) with other uses both existing and permitted.
- B. The Planning Commission shall hear each application on its merits, taking into consideration such factors as existing uses, topography, access, ownership, location, major streets, etc.
- C. The Planning Commission may recommend conditions under which a use may be permitted in order to insure compatibility.
- D. The finding of a use to be compatible in one location does not mean the same use is compatible at another location, even within the same zone.
- E. The Planning Commission shall recommend to the City Council, and the City Council shall by majority vote affirm or override the recommendation of the Planning Commission.

SECTION 10-3 ANNEXED AREA

- A Territory annexed to the City of Tyronza after adoption of this Regulation shall be given zone designation within 120 days after the effective date of the annexation in accordance with the amendment provisions of this Regulation.
- B. Before official zoning designation is made after annexation, all request for building permits shall be referred to the Planning Commission or a Committee thereof. The Planning Commission or its designated committee, may recommend issuance of the 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.

SECTION 10-4 COMPLETION OF EXISTING BUILDING

- A. Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the adoption of this Regulation.
- B. Nothing herein contained shall require any changes in plans, construction or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of this Regulation, provided construction is started on said building within 120 days after the adoption of this Regulation.

SECTION 10-5 PRINCIPAL STRUCTURE ON LOT

- A. In residential district only (1) principal structure and its customary accessory structures may hereafter be erected on any lot unless otherwise provided in this regulation.
- B. The equipment of an accessory structure with sink, cook stove, or other kitchen facilities for the independent occupancy thereof other than by servants or guests shall be considered evidence that such structure is not an accessory structure but a separate dwelling and must meet all minimum lot area and yard requirements of the district in which it is located.

SECTION 10-6 OCCUPATIONS PERMITTED IN RESIDENTIAL STRUCTURES UTILIZED FOR RESIDENTIAL PURPOSES IN RESIDENTIAL ZONES (HOME OCCUPATION)

- A. An occupation may be carried on in a residential structure in a residential zone only if the following are compiled with:
 - 1. It does not involve the use of commercial vehicles operating from the residence.
 - It does not require the use of more than two rooms otherwise normally considered as living space, or the use of an accessory structure of not more than 400 square feet.
 - 3. It does not require the use of any yard space or conduct of activity outside the main structure not normally associated with residential use.
 - 4. It does not have a sign in excess of four (4) square feet to denote the business, occupation or profession, and such sign must be attached to the structure.

- 5. It does not involve the external display of goods or services.
- 6. The occupation must be carried on by the occupant of said residence.

The Keeping of not more than two roomers or boarders shall be considered a permitted home occupation. A beauty shop having no more than one full time operator which is the resident of the dwelling within which the activity is taking place shall be considered a permitted home occupation

SECTION 10-7 RELIEF FROM REQUIREMENTS FOR LOT AREA OR LOT WIDTH IN A RESIDENTIAL ZONE

On any lot in a residential zone recorded at the time of passage of this Regulation, a single family structure may be erected, even though the lot be of less width and /or area than required by the provisions of the residential zone in which the lot is located, provided that such lot is at least fifty (50) feet in width and that all other area requirements are met except that side yards may be reduced to five (5) feet.

SECTION 10-8 AREAS NOT TO BE DIMINISHED

The lot or yard area required by this regulation for a particular building or use at the time of passage of this Regulation or later constructed or established shall not be diminished and shall not be included as part of the lot, open space or yard area of any other building or use. If the lot, open space or yard required by this Regulation for a particular building or use is used as part of the lot, open space or yard area of another building or use it shall be deemed to be a violation of this Regulation.

SECTION 10-9 FRONT YARDS

The front yard requirement of this Regulation for residential uses shall not apply to any lot where the adjoining developed lots with principal buildings are within one hundred (100) feet of the lot and are within the same block and zoning district, are fronting on the same side of the street and where the average depth of the front yards of such lots are either less or more than the minimum required front yard depth. In such case, the minimum front yard depth shall be the average of the existing front yard depth of the adjacent developed lots with residential buildings.

SECTION 10-10 WALLS FENCES AND HEDGES, CORNER VISIBILITY

Except in zones allowing the construction of buildings or structures to the property line, there shall be provided an unobstructed view across a triangle formed by the points measured twenty (20) feet distance along the property lines from the intersection of two streets or fifteen (15) feet along both the street and the alley line from the intersection of a street and an alley. Within said triangle there shall be no sight obstructing or partly

obstructing free-standing wall, fence or foliage higher than thirty (30) inches above the grade or in the case of trees, foliage lower than five (5). Vertical measurement shall be made from the adjacent top of the street curb, surface of an alley or street or the official established grade thereof, whichever is higher.

SECTIOIN 10-11 WALLS FENCES AND HEDGES, OTHER THAN CORNER

On portions of a lot not covered by street or alley intersection restrictions the height of free-standing walls and fences of any length, and foliage continuos for five (5) feet or more, shall be limited to forty-eight (48) inches on any street line and the front yard set back along any side lot line. On all other portions of the lot, said walls, fences and continuos foliage barriers may not exceed a height of ninety-six (96) inches.

SECTION 10-12 HEIGHT EXCEPTIONS

The following appurtenances may exceed the prescribed height limit except when they would violate the height restriction of an aircraft approach or turning zone, provide they are normally required for a use permitted in the zone in which they are erected or constructed, and after a finding by the Planning Commission that such exception will not be unduly detrimental to the surrounding property. They include: flagpoles, chimneys, cooling towers, elevator bulkheads, elevators, stacks, silos, storage towers, observation towers, ornamental towers, monuments, cupolas, domes, spires, other mechanical appurtenances and their protective housings; and radio, television, microwave and other electronic transmission or receiving towers.

SECTION 10-13 ZERO LOT LINE FOR DWELLINGS

- A. An application shall be submitted to the Planning Commission requesting construction of zero-lot line dwellings attached or detached.
- B. The application shall consist of a plat indicating lots and citing of dwellings attached and/or detached along with the arrangement of parking spaces on the lots and such other information required by this Regulation and other applicable city ordinances.
- C. The plat shall meet applicable requirements of the subdivision Regulations.
- D. The Enforcement officer shall issue building permits for dwelling attached and /or detached in conformance with the approved application.

E. Area Requirements, Dwellings - attached:

- 1. Lot Area: Minimum 2,800 sq. ft.
- 2. Lot Depth: Minimum 140 ft.
- 3. Lot Width: Minimum 20 ft.
- 4. Side yard, street: As required in zoning district
- 5. Side yard between structures: Minimum 15 ft.
- Front yard: As required in zoning district
- Rear yard minimum: As required in zoning district.
- 8. Height: As required in zoning district
- On-lot parking: One on-lot parking space per dwelling

F. Area Requirements, Dwellings - detached:

- 1. Lot Area: Minimum 5,500 sq. ft.
- 2. Lot Width: Minimum 40 ft.
- 3. Side yard, none required on one side of structure
- 4. Side yard, other side: Minimum 10 ft., Minimum between buildings 10 ft
- 5. Front yard: As required in zoning district
- 6. Rear yard minimum: As required in zoning district
- 7. Height: As required in zoning district
- 8. On-lot parking: One on-lot parking space per dwelling

SECTION 10-14 MOBILE HOME PARK

- A. A planned residential development for mobile homes containing two or more mobile homes, occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodation.
- B. A mobile home space means a plot of ground with a mobile home and the parking of one automobile.
- C. The mobile home park shall meet the following conditions:
 - A mobile home park shall be located along or at the intersection of streets classified as collector or higher classification. Access to and from the mobile home park shall be entirely to the streets fronting the mobile home park.
 - 2. The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

3. Mobile home spaces shall be provided consisting of a minimum of 3,000 square feet for each space which shall be at least thirty (30) feet wide an clearly defined, with the following yard space requirements:

a. Minimum front yard: 20 feet

b. Minimum rear yard: 15 feet

c. Minimum side yard: 15 foot clearance between mobile homes.

- 4. All mobile home spaces shall abut a drive way with a travel surface of not less than forty (40) feet in width, which shall have in width, which shall have unobstructed access to a public street as specified in "1" above.
- 5. All mobile home spaces shall be provided with an outside storage building of not less than eighty (80) square feet, located at the rear of the mobile home space. Storage buildings may be located on the lot line and have a common dividing interior wall.
- 6. In mobile home parks providing spaces for the overnight parking of travel trailers or motor homes, or have a specific area set aside as a travel park for ht parking of travel trailers or motor homes, the mobile home park shall be provide toilet, bathing, sanitation, laundry, and such other facilities as the city may specify.
- 7. A mobile home park shall provide a central utility system for the supply of water and the collection and disposal of sanitary waste approved by the City.
- 8. An electrical outlet supplying 110 volt electrical service, sewer, water and gas connections in compliance with other applicable codes shall be provided each mobile home space.
- 9. All mobile homes shall be installed according to the manufacture's instructions or the Manufactured Home Commission's installation specifications for the unit placed on the mobile home space whichever are more stringent. The installation shall include the joining together of the sections, the utility cross-over connections, anchoring and the requirements for I-beam, center-line, and perimeter support, and any other installation requirement outlined in the manufacturer's instructions.
- 10. Around each mobile home, a foundation skirt shall be constructed of a permanent material which screens the undercarriage of the mobile home form view, but also permits he mobile home to be conveniently removed replaced.

SECTION 10-15 MANUFACTURED HOME

A manufactured home, new or used, as defined herein that has not been altered in violation of applicable codes may be located in any zone where such use is allowed as a permitted use or conditional use, provided that in addition to other tests contained in this Regulation for determining the appropriateness of the location of a manufactured home, the following conditions are met:

- Be occupied only as a residential use.
- B. Be subject to all provisions of the Regulations applicable to residential structures qualifying for citing in the same area.
- C. Be installed according to the manufacturer's instructions or the Manufactured Home Commission's installation specifications, whichever are more stringent. Installation shall include the joining together of the sections, the utility cross-over connections, anchoring and the requirements for I-beam, center-line, an perimeter support, and any other installation requirement outlined in the manufacturer's instructions. When the manufacturer's installation instructions for a used home are not available to the dealer or installer, the home shall be installed according to the Manufactured Home Commission's specifications.
- D. Around each manufacture home not enclosed by a continuous foundation, a foundation skirt shall be constructed of a permanent material which encloses the foundation structure and crawl space of the manufactured home from view. The foundation skirt shall be of the type and material that is normally available through a manufactured home dealer as an accessory item for use on a manufactured home.
- E. Be covered with an exterior material comparable to surrounding residential dwellings, if at the time of issuance of a permit, a manufactured home is to be located closer than fifty (50) feet to an existing single-family dwelling, (not another manufactured home).
- F. Have a roof composed of a material used on site-built residential dwellings, installed onto a surface appropriately pitched for the material used.
- G. All applicable permits otherwise required for site-built residential dwellings shall also be required for a manufactured home.

SECTION 10-16 OPEN USES IN UNDEVELOPED AREAS

It is recognized that there may be extensive areas of undeveloped land within the city upon which the planned type of development will not take place for a considerable time. It is therefore reasonable and proper that interim uses not in conformity with the land use plan be allowed.

The Planning Commission is authorized to grant special use permits on property within the City of Tyronza, Arkansas allowing for uses not allowed as a matter of right in said zone under the following conditions:

A. Standard:

- 1. The proposed use shall be an open land type of use and shall not involve the erection of permanent buildings or other permanent improvements and shall be located in an undeveloped area of the city, provided, however, that permanent buildings shall be allowed which conform with the zoning in force upon the parcel.
- 2. The proposed use and the placement thereof upon the land shall be such that it shall not be unsightly to the general public nor interfere with the enjoyment or use of neighboring properties.
- 3. All temporary uses and structures shall comply with all provisions of the zone in which the proposed use is located except that the list of permitted uses may be modified by special use permit.
- The Planning Commission may append reasonable conditions to any special use permit to the end that the objectives of this Regulation may be upheld.

B. Procedure:

- Before issuing any special use permit, the Planning Commission shall hold a
 public hearing and shall give notice thereof to all property owners within
 200 feet and to the City Council.
- 2. The building Inspector shall enforce compliance with the terms of the special use permit and shall initiate action for the renewal or cessation of the activity at the expiration of the special use permit.
- 3. No special use permit shall be issued for a period to exceed one year, provided however, that such special use permit may be renewed for additional periods not to exceed one year each, after a notice and a public hearing and a finding that conditions have not changed sufficiently to warrant denial of such a renewal.

4. No property owner or owner of other interest in the land shall have a vested right in the renewal of any special use permit.

SECTION 10-17 PERMITTING THE LOCATION OF TEMPORARY STRUCTURES

It is recognized that there may be circumstances that arise within the residential and business areas of the city of Tyronza necessitating the need for establishing temporary living or business space in conjunction with the permitted use.

The Planning Commission is authorized to grant permits for property within the City of Tyronza, allowing for the placement of a temporary structure not exceeding 600 square feet in floor area for residential use, and a floor area sufficient to carry on business for commercial and business uses on a lot already occupied by a principal structure under the following conditions:

- A. A family illness for which other arrangements for securing the care of the individual could not be made, or in the event of some natural or manmade disaster that rendered the original principal structure unsafe for habitation or the conduct of a business enterprise. In each case, the applicant shall provide to the Planning Commission documentation which clearly demonstrates that a hardship exists and that no other alternative exists for meeting the emergency situation.
- B The application for a permit shall include a site plan of the property on which a temporary structure permit is sought, showing all existing structures and features on the property; front, side and rear set back lines; any easement lines or other restrictions; along with the location of the temporary structure to city services.
- C. The Planning Commission may append reasonable conditions to any permit to the end that the objectives of this regulation may be upheld, including wavier of set back requirements, or the construction or visual barriers form surrounding properties.
- D. The building Inspector shall enforce compliance with the terms of the permit and shall initiate action for the renewal or cessation of the activity at the expiration of the permit.
- E. No permit shall be issued for a period to exceed one year, provided however, that such may be renewed for additional periods not to exceed one year each, after a finding that conditions have not changed sufficiently to warrant denial of such a renewal.

SECTION 10-18 DWELLING - COMPLEX

- A. An application shall be submitted to the Planning Commission requesting construction of dwelling complex development.
- B. The application shall consist of a plat indicating the siting of dwellings complex buildings, along with the arrangement of parking spaces and such other information required by this Regulation and other applicable city ordinances.
- C. The plat shall meet applicable requirements of the subdivision Regulations.
- D. The Enforcement Officer shall issue a building permit for the approved development plan in conformance with the approved application. All plans, sketches, diagrams and calculations shall form the basis for issuance of the building permit in conformity therewith. Plan changes which increase the number of dwelling units, building height or bulk or change the location of structures, shall require re submission for approval. Minor adjustments in the orientation of buildings or in the number of dwelling units, building units, building height or bulk, may be approved by the enforcement Officer.
- E. Dwelling complex developments shall meet the following conditions:
 - Dwelling complex developments shall be located along or at the intersection of streets classified as collector or higher classification. Access to and from the dwelling complex development shall be entirely to the streets fronting the dwelling - complex development.
 - 2. The proposed dwelling complex developments will be in harmony with the purposes of this Regulation and will not adversely affect nearby properties.
 - 3. The amount of open space provided will be in harmony with nearby properties.
 - 4. The development shall have an access road paved with a dust free material not less than twenty-five (25) feet in width and a right-of-way of not less than forty-five (45) feet, which shall have unobstructed access to a public street as specified in "1" above. All parking areas within the dwelling complex development shall abut the access road.

SECTION 10-19 FLOOD PLAIN AREAS

The City will strongly discourage the platting of property or the erection or expansion of buildings within the areas determined to be within areas subject to flooding and mud slides, or either. All building permits issued for proposed construction within areas subject to flooding shall have inscribed or printed with the following prominent, attention-gaining words: "NOTE," This building for structure is located in an area subject to period flood, mud slides, or both. The City of Tyronza will not be liable for any financial loss which may be caused by flooding, mud slides, or both.

If the building permit applicant is other than the owner or prospective owner of the land on which the building or structure is to be erected, a copy of the permit with the foregoing language shall be sent to the owner or prospective buyer.

SECTION 11. NON-CONFORMING USES AND STRUCTURES

- 1. Where a lawful use of land exists that is no longer permissible under these regulations, the use may be non conforming subject to provisions below.
- 2. Should the non conforming use of land cease for a period of more than six (6) months, any subsequent use of land shall conform to the regulations for the zone in which the land is located.
- 3. Any change in use shall be to a conforming use.

B. Nonconforming Structures

- 1. Where a structure exists that could not be built under the requirements of these regulations by reason of restrictions on lot area, lot coverage, or other characteristics of the structure or location on the lot, such structure may be continued subject to provisions below.
- 2. No non conforming structure may be enlarged or altered in any way to increase its nonconformity.
- 3. Any structure or portion of structure declared unsafe by a proper city official may be restored to a safe condition.
- 4. Any structure containing a non conforming use that is damaged by fire or causes to the extent of more than 66 percent of its fair market value immediately prior to damage shall not be repaired or rebuilt except in conformity with these regulations. The fair market value shall be determined in the following manner; the owner of the non conforming structure shall obtain appraisal of the property at his own expense. The City of Tyronza shall obtain appraisal by a city appointed appraiser at the expense of the owner of the non conforming structure. If the two appraisals do not agree, a third appraiser can be procured for arbitration at the expense of the owner of the non conforming structure.
- 5. In the event of a mobile home damage by fire; no other mobile home may reintroduced on the property unless the owner of the mobile home also owns the property, and owned the property prior to and during the fire and said mobile home was sitting upon permanent foundation prior to the fire as to prohibit weather, animals and other objects to freely pass under said mobile home and said mobile home was the principle homestead for 6 consecutive months prior to the fire.

C. Non conforming Use of Structures

- 1. If a lawful use of structure, or of structures and land in combination, exist at the effective date of these regulations, that would not be permitted in the zone under the requirements of these regulations, the use may be continued so long as it remains other wise lawful, subject to provisions below.
- A non conforming use may be extended to any portion of the existing structure which is arranged or designed for such use at the time of adoption of these regulations.
- 3. Once changed to a conforming use, a non conforming use shall not thereafter be reinstated.
- 4. When a non conforming use of structure or of land is discontinued for (6) consecutive months, the non conforming use cannot be reinstated.
- 5. No non conforming use shall be extended to displace a conforming use.

D. Zone Changes

1. Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone, the foregoing provisions shall apply to those structures and uses that were conforming but became non conforming due to change in zone classification.

SECTION 12. BOARD OF ZONING ADJUSTMENT:

A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established in conformance with Act 186 of the 1957 General Assembly as provided by Section 5 (AS 19-2829 par. b.). The Board shall have no other functions or responsibilities except those specifically provided by Act 186 of 1957, as amended which states:

"The zoning regulation shall provide for a board of zoning adjustment, which may either be composed of at least three (3) members or the Planning Commission as a whole will be the board of zoning adjustment. The board of zoning adjustment shall have the following functions:

- 1. Hear appeals from the decision of the administrative officers with respect to the enforcement and application of this regulation; and may affirm or reverse, in whole or part, said decision of the administrative officer.
- 2. Hear requests for variances from the literal provisions of the zoning regulation in instances where strict enforcement of the zoning regulation would cause undue hard-ship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulation. The board of zoning adjustment shall not permit, as a variance, any use in a zone that is not permitted under the regulation. The board of zoning adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

Decisions of the board of zoning adjustment in respect to the above shall be subject to appeal only to a court of record having jurisdiction.

The following provisions are designed to meet the requirements of Act 186 of 1957 as amended:

A. Organization and Meetings

1. The Board shall consist of the members of the Planning Commission.

The terms of the Board shall be the same as the terms of the Planning Commission.

- 2. The Board shall elect, in January of each year, a chairman. The Chairman may appoint a secretary who is not a member of the Board and who shall hold office until relieved by the board and who shall receive such compensation form the City of Tyronza as may be authorized by the City Council.
- 3. Meetings of the Board shall be held at such time and at such place within the City of Tyronza as the Board may designate and may meet at any time on call of the chairman.
- The Board shall keep minutes of its proceedings which shall contain as a minimum:
 - a) Time, date and place of meeting.
 - b) Names of members present.
 - c) Citation, by number and description, of appeal or application.
 - d) Pertinent facts of the case.
 - e) Names of persons appearing and their interest in the case.
 - f) Record of Vote by name.
 - g) Authority for decision (cite ordinance or statute) and reason for conditions imposed. The minutes of the meeting shall be filed by the secretary of the Board in the office of the city clerk and shall be public record.
- 5. The presence of majority of the members shall be necessary to constitute a quorum and the concurring vote of a majority of all the members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under provisions of Act 186 of 1957, as amended.

B. Appeals

1. Any individual that believes that the decision of the enforcement officer is in error regarding interpretation or application of this regulation to his property, may file a petition for hearing to reverse the decision of the enforcement officer at least 15 days in advance of a meeting of the Board.

2. The Board shall determine if the petition is within its jurisdiction and if not, dismiss said petition. If the petition is within the jurisdiction of the Board, the Board will cause notice to be given and conduct a public hearing on the petition in conformance with paragraph D below.

C. Variances

- 1. An individual may petition the Board for a variance form the literal provisions of the zoning regulation in instances where strict enforcement of the zoning regulation would cause undue hardship due to the circumstances unique to the individual property under consideration and grant such variance only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulation. The Board shall schedule a Public hearing on the petition within 30 days of the date of filed petition.
- 2. The Board shall not permit, as a variance, any use in a zone that is not permitted in that zone under this regulation.
- 3. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

D. Notice, Hearing, Fee

- 1. Whenever a petition for an appeal is accepted or a petition for a variance is made to the Board, the Board shall cause to have published at the expense of the petitioner, a notice of the time an place of the public hearing upon such petition, which notice shall be published at least once not less than seven(7) days preceding the date of such hearing in a official paper or a paper of general circulation in Tyronza, said notice shall provide a brief statement as to the nature of the petition. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.
- The Appellant or applicant shall be required to pay to the clerk a filing fee
 to Tyronza to cover such other costs as may be incurred in connection with
 such petition.
- E. Appeal: Appeal from the decision of the Board shall be to a court of record within thirty (30) days form the decision of the Board.

SECTION 13. AMENDMENTS TO ZONING REGULATION.

A. Amendment to Text

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

B. Change in Zone Classification

- A petition giving 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 include a statement and diagram explaining the proposed changes. A filing fee of twenty five (\$25.00) dollars payable to the City of Tyronza shall accompany the petition.
- 2. The following procedures as set forth in Act 186 of 1957, as amended, shall be followed:
 - a) The Planning Commission shall hold a public hearing on a proposed change in zone classification. Notice of the public hearing shall be published in a newspaper of general circulation the city, at least one time fifteen (15) days prior to the hearing.
 - b) Following the public hearing, the proposed change in zone 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 recommendation stated in writing.
 - c) The City Council, by majority vote of the entire membership, may by ordinance adopt the recommended change in zone classification submitted by the Planning Commission or may return the proposed change in zone classification to the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendation of the Planning Commission as submitted after re-study, the City Council may, by majority vote of the entire membership amend this regulation by granting the requested change in zone classification in full or in modified form.

- 3. If the Planning Commission disapproves a proposed change in classification, the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the hearing. Within fifteen (15) days following receipt of notice of Planning commission action, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions to be in error. The City Council, by a majority vote of the entire membership, may approve the appeal of the petitioner.
- 4. No application for a change in zoning classification will be reconsidered by the Planning Commission within twelve (12) months from date of final disapproval of a proposed amendment unless the commission finds that a substantial reason exists for waiving this limitation.

SECTION 14 ENFORCEMENT - PENALTY FOR VIOLATION

A. Enforcement

- 1. The provisions of this regulation shall be administered by a building official designated by the City of Tyronza.
- 2. A building permit will be issued only when the application has been approved by the building official as meeting requirements of this regulation. All applications for building permits shall be accompanied by a plan, drawn to scale, showing the actual dimensions of the lot, as staked by a qualified engineer or surveyor 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 this regulation. A record of such application and plats shall be kept by the building official and are subject to review by the Planning Commission.
- A certificate of occupancy shall be issued by the building official when, after inspection, it is found that the land use and construction is in conformity with this regulation. No land or structure hereafter erected, moved or altered may be occupied for its intended use without a Certificate of Occupancy.

- 4. The City Council, upon notification by the building official designated to enforce this regulation, shall certify the violation to the City Attorney, and said City Attorney shall, within 30 calendar days thereafter, apply to the Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation.
- B. Penalty for Violation.

Any person or corporation who shall violate any of the provisions of this regulation 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 of plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day the 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 this regulation shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

SECTION 15. SEVERABILTIY.

- A. The provisions of this regulation are hereby declared to be severable. If any section, paragraph, sentence, or clause of this regulation shall be held invalid, the invalidity of such section, paragraph, sentence, or clause shall not affect the validity of the remainder of the said regulation.
- B. All ordinances or parts of ordinances in conflict with any of the terms or provisions of this regulation are hereby expressly repealed.

<u>SECTION 16. EMERGENCY.</u> It is hereby ascertained and declared that there is immediate and urgent need for enforcement of this zoning regulation for the protection of health, lives and property of the inhabitants of the City of Tyronza, Arkansas, and for the promotion of the general welfare of the City; therefore an emergency exist and this regulation being necessary for the preservation of the public peace, health and safety, shall be in full force and take effect immediately upon and after its passage and publication.

PASSED AND APPROVED by the Mayor and City Council this day of , 1994

CITY OF TYRONZA, ARKANSAS

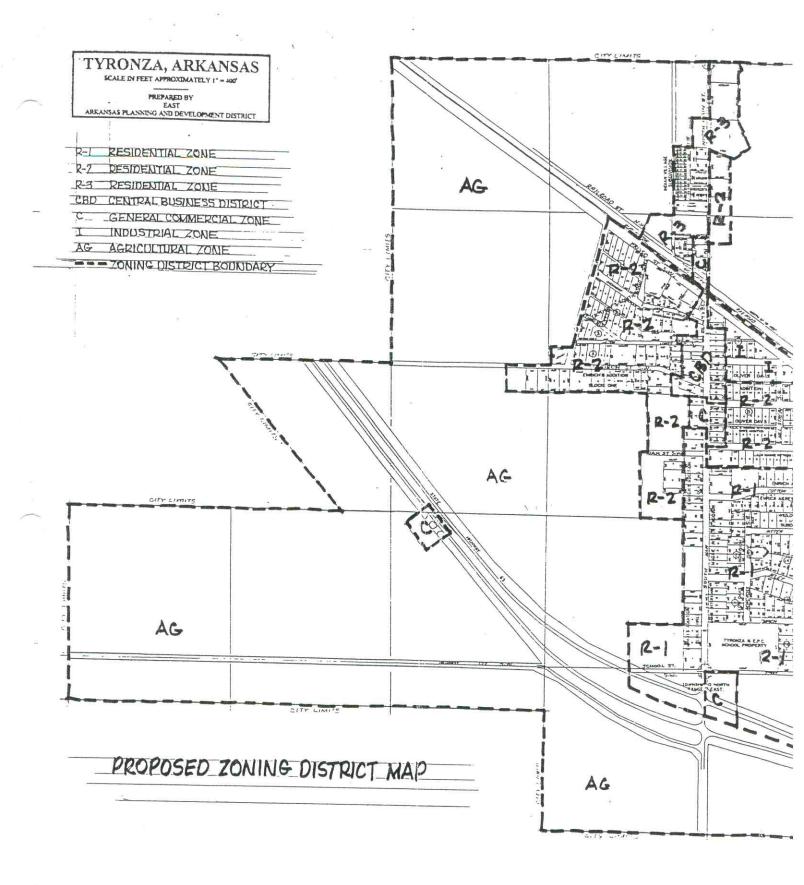
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Mayor, City of Tyronza

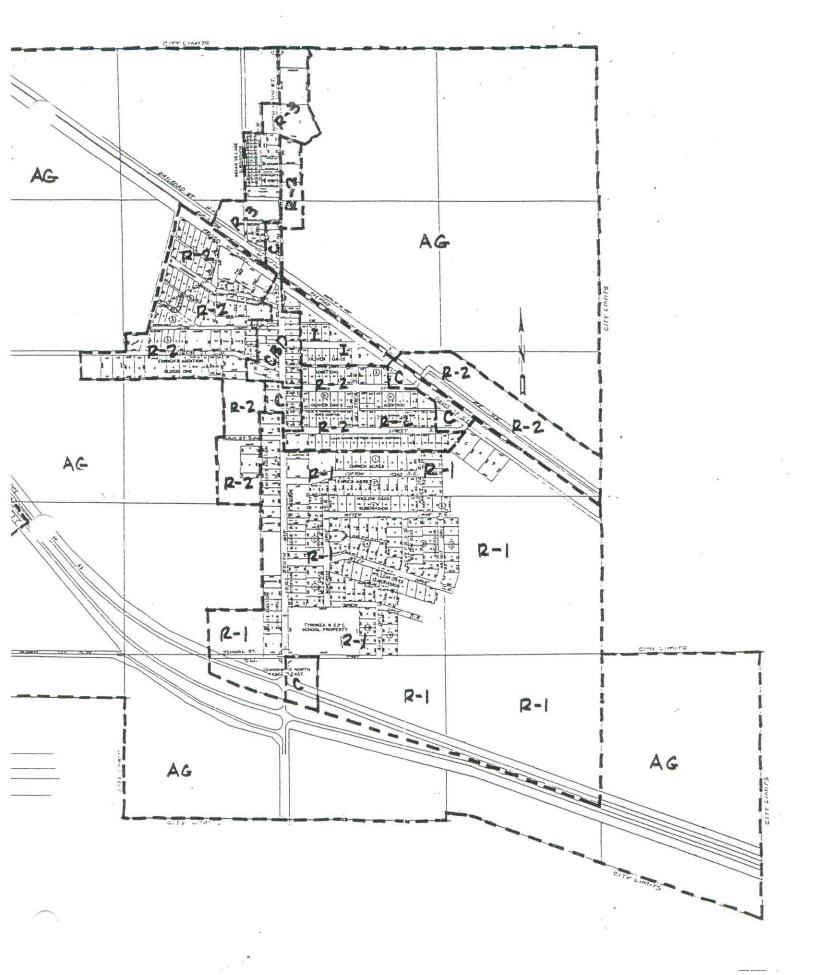
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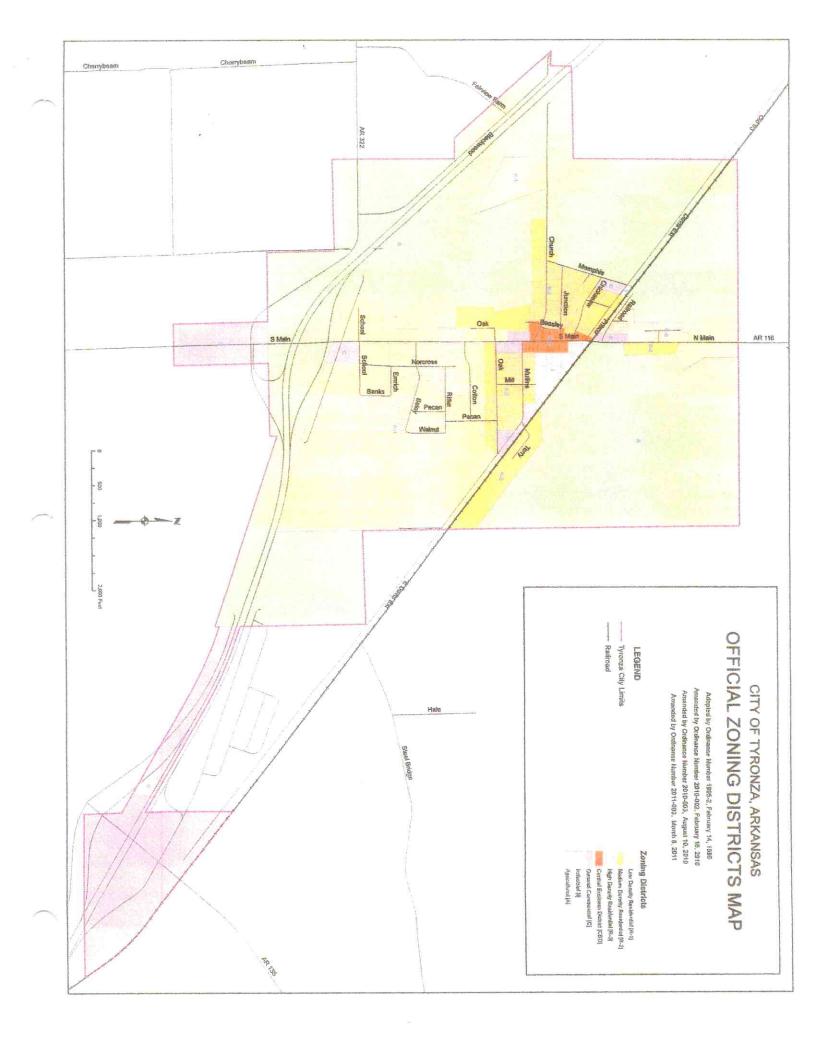
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