

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Ordinance Adopted by Reference
- 14.08 Board of Zoning Adjustments
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CHAPTER 14.04

ZONING ORDINANCE ADOPTED BY REFERENCE

Sections:

- 14.04.01 Zoning ordinance adopted by reference
- 14.04.02 Amendments
- 14.04.03 Revised Zoning Code

14.04.01 Zoning ordinance adopted by reference The city of Pocahontas, Arkansas, hereby approves and adopts by reference Zoning Ordinance No. 387 and subsequent amendment, after public hearing duly held thereon, following notice of such hearing as required by law, said ordinance consisting of the text and zoning district map, of which ordinance not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and from the date on which the ordinance shall take effect the provisions thereof shall be controlling within the limits of said city.

14.04.02 Amendments

Day Care - The following definition shall be added to Section 2 defining Home Occupation in Ordinance No. 387, the Zoning Ordinance:

Day Care - Baby Sitting Service: a home where day care services are provided to a maximum of six (6) unrelated children with adults in attendance as required by the Arkansas Department of Social Services. These facilities are allowed in R-2 residential districts provided that:

- A. The operator and all employees of the day-care facility are required to reside in the structure.
- B. The facility must conform to all regulations of appropriate agencies and laws consisting of Social Services, Health Department, Fire Department, and the Inspection Department.
- C. One sign not exceeding one (1) square foot in area, non-illuminated and mounted flat against the wall of the principal building.
- D. The Day Care Family Home cannot be conducted in any accessory building.
- E. Off-street parking, screening, and fenced play area will be provided.
- F. A petition bearing the signatures and approval of 75% of the property owners within a 300 foot radius of the subject property, excluding streets, must be filed with the City Council prior to the issuance of the Day Care Family Home permit. Those parties not signing this petition must be notified of the proposed Day Care Family Home by certified mail. A copy of the letter with the certified postal receipt attachment must be submitted with the petition.
- G. After a Day Care Family Home permit is issued, any property owner within 300 feet of the property where the Day Care Family Home is being conducted may file a petition with the City Council Requesting an investigation of that Day Care Family Home. If the City Council determined that the Day Care Family Home is being conducted contrary to the facts stated in the original application or contrary to any laws or regulations of the city of Pocahontas or to the state of Arkansas or their regulatory boards, or that there has been substantial change in circumstance since the granting of the permit to the extent that the Day Care Family Home has become derogatory to the residential character of the neighborhood the Council immediately revoke the Day Care Family Home occupation permit. The investigation shall be completed and written notice of the decision of the City Council shall be mailed to the petitioner and the Day Care Family Home operator within (30) days of the date the petition is filed. (Ord. No. 412, Sec. 1.)

Structures - Article 2-1, definition of structure is amended as follows:

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include buildings, billboards and other panels and with a purpose of determining the location of a structure such point of location shall be at the point the structure is fixed to the ground. (Ord. No. 401, Sec. 1.)

Home occupations - Article 4-9 is hereby amended to read as follows:

After adoption of this ordinance, undefined Article 2-1B thereof home occupations shall be prohibited except as approved by the Planning Commission in R-1 and R-2 zones. Defined home occupations need not obtain Planning Commission approve in R-2. (Ord. No. 401, Sec. 2.)

Central Business District - Article 5-4, Central Business District (C1) is hereby amended as follows:

Height: Four stories, but not exceeding 80 feet.

Front Yard: Zero

Side Yard: Zero

Rear Yard: Zero

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

Fire Limits: Land in the Central Business District shall be included within the fire limits of the city of Pocahontas, Arkansas. (Ord. No. 401, Sec. 3.)

General Business - Article 5-5, General Business (C-2) is hereby amended as follows:

Yard Requirements: a minimum of 20 feet from the property line and/or existing right-of-way. A minimum of five (5) feet for the rear setback except where the property borders residential homes and/or property then the minimum shall be ten (10) feet. The side setbacks shall be a minimum of five (5) feet for each side. (Ord. No. 04-9, Sec. 1.)

The proposed City Zoning Map adopted by the Planning Commission is hereby adopted as the official zoning map and the zones shall be as reflected on the Zoning Map. (Ord. No. 401, Sec. 4.)

14.04.03 Revised Zoning Code That a Zoning Code, consisting of a Technical Code, and Zoning Map is hereby adopted, amended by the public hearing, by reference as the Official Zoning Code of and for the City of Pocahontas, Arkansas, pursuant to A.C.A. 14-55-207, by which three copies shall be filed with the Pocahontas City Clerk for public inspection. (Ord. No. 2016-03, Sec. 1)

Lot, Yard & Height Requirements. The Setback Requirements for properties in General Commercial Districts (C-2) contained in *Section 6.03.0 Lot, Yard and Height Requirements* of the City of Pocahontas Zoning Code are hereby amended and restated as follows:

Zoning District	Minimum Lot Area	Minimum Lot Width	Building Site Coverage	Setback Requirements				Max Height
				Front	Side	Side Street	Rear	
C-1	N/A	N/A	100%	See Note #	N/A	N/A	20 ft.	35 ft.
C-2	6,000 sq ft.	50 ft.	50%	15 ft.	5 ft*	15 ft.	7.5 ft.*	35 ft.
*C-2 Properties Adjacent to R Districts Visual screening such as fencing or vegetation of at least 6 ft. in height is required for those portions of the commercial property adjacent to the resident district. In addition, all exterior lighting shall be designed and directed such that it will not project into adjacent resident districts.				25 ft.	10 ft.	15 ft.	15 ft.	35 ft.
Auto Service Station, Car/Boat Sales, Farm Equipment Sales	10,000 sq. ft.	100 ft. at street	50%	25 ft.	10 ft.*	25 ft.	15 ft.*	35 ft.
<i># Note: Buildings in C-1 are required to be built up to the edge of the front property line.</i>								

(Ord. No. 2016-11, Sec. 1)

CHAPTER 14.08**BOARD OF ZONING ADJUSTMENTS**Sections:

- 14.08.01 Created
- 14.08.02 Duties and functions
- 14.08.03 Members
- 14.08.04 Removal
- 14.04.05 Terms
- 14.08.06 Zoning Map

14.08.01 Created There is hereby created a Board of the city of Pocahontas, Arkansas, to be known as the “Board of Zoning Adjustments,” which said Board shall consist of present Planning and Zoning Commission members who shall meet on call by the Mayor, shall serve without compensation and of which not more than one-third shall hold any other Municipal Office or appointment. (Ord. No. 336, Sec. 1.)

14.08.02 Duties and functions The Board of Zoning Adjustments shall have all the duties and functions authorized by Act 629 of the General Assembly of Arkansas, 1969. (Ord. No. 336, Sec. 2.)

14.08.03 Members The members of the Board of Zoning Adjustments shall be appointed by the Mayor and his appointments shall be valid and effective upon confirmation by the City council. Members of the Board of Zoning Adjustments may be suspended or removed from the Board by the Mayor for just cause and such actions shall be final upon approval of the City Council. (Ord. No. 336, Sec. 3.)

14.08.04 Removal Cause for removal from the Board of Zoning Adjustments shall be the same as for other appointive offices of the city of Pocahontas, except that Board members may be suspended or removed from office by the Mayor for non-attendance of called meetings. (Ord. No. 336, Sec. 4.)

14.08.05 Terms The terms of members of the Board of Zoning Adjustments be three (3) years. However, in the initial appointments to the Board, the Mayor shall appoint two members for a term of one year, two members for a term of two years and one member for a term of three years. Thereafter as vacancies shall be filled for a term of three years and said appointees shall hold office until expiration of the term to which appointed. All members of the Board of Zoning Adjustments whose terms expire shall serve until their successors in office have been duly appointed and confirmed. Should a member of the Board of Zoning Adjustments fail to complete the term of office to which appointed due to death, illness, or removal for cause, a person shall be appointed to serve out the remainder of the term as provided in Section 3. (Ord. No. 336, Sec. 5.)

14.08.06 Zoning Map The Zoning Map for the City of Pocahontas, Arkansas is hereby amended for purposes of changing the Zoning Classification from R-2 (High Density - Residential) to C-2 (General Business - Commercial) as to the following described real properties being situated in the City of Pocahontas, Randolph County, Arkansas, as described in Exhibit A attached herewith. (Ord. No. 2016-01, Sec. 1)

The City Clerk is directed to maintain the official copy of the Zoning Map in The Pocahontas City Hall. Copies of the Zoning Code may be distributed to the public as a convenience; however, the code maintained by the Pocahontas City Clerk in City Hall shall be the one and only official zoning code, consisting of a technical code and zoning map.(Ord. No. 2016-03, Sec. 2)

CHAPTER 14.12

MOBILE HOMES

Sections:

- 14.12.01 Definitions
- 14.12.02 Conditional uses enumerated

14.12.01 Definitions for the purpose of this ordinance, certain terms and words are hereby defined:

Mobile Home Any vehicle, covered or uncovered, used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which is, has been , or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. The term “mobile home” shall include trailer, camper, camp car, and house car.

Mobile Home Park An area providing a minimum of three spaces where mobile homes can be or are intended to be parked. (Ord. No. 324, Sec. 1.)

14.12.02 Conditional uses enumerated The following buildings, structures, and uses shall be approved or disapproved by the Pocahontas Planning Commission and forwarded to the City Council for their approval or disapproval as conditional uses, in any district, from which they are prohibited, except as otherwise provided, in accordance with the procedures and standards of this Article, provided that the location is appropriate and not in conflict with the comprehensive plan of the city of Pocahontas, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this Article are complied with. Unless otherwise specified in this Article, or specified as a condition of approval, the height limits, yard spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the conditional use is located.

Procedures set forth in Section 226 of the code of ordinances of the city of Pocahontas shall be followed when applying for approval by the Pocahontas Planning Commission.

Mobile home park, provided:

- A. The site shall contain a minimum of one acre.
- B. A site plan drawn to one (1) inch equal two hundred (200) feet scale shall be submitted to the Commission and shall include the following:
 - 1. The parcel requested for rezoning, or the area and dimensions of the tract of land to be used for a mobile home park.
 - 2. The legal description of the subject parcel.
 - 3. Zoning classification of all adjoining properties.
 - 4. Ownership of adjoining areas except platted sub-divisions.
 - 5. Distance, in feet, to nearest streets and/or highways.
 - 6. Number, location, and size of all mobile home and trailer spaces.
- C. No mobile home space or trailer space shall be located nearer than the applicable set back line of the particular zone to the right-of-way line of any public road.
- D. No mobile home space or trailer space shall be located nearer than ten (10) feet to any adjoining property line.
- E. No service building, office, or accessory structure, other than a wall, fence, or sign shall occupy the front, side and rear yards, as set forth in items c and d above. Said yards shall be maintained in such a manner as to prevent the development of fire and health hazards.
- F. Not more than ten (10) mobile home spaces or trailer spaces for each acre of gross site area shall be provided.
- G. No mobile home space shall be less than three thousand (3,000) square feet in area.
- H. No mobile home, trailer, or accessory structure shall be located nearer than ten (10) feet to any other mobile home or trailer or to any accessory structure on another space.
- I. One (1) hard surfaced or crushed stone automobile parking space, one hundred eighty (180) square feet in area, shall be provided as a part of each mobile home space or trailer space.

- J. One (1) hard surfaced or crushed stone parking space, one hundred eight (180) square feet in area, shall be provided for each ten (10) mobile home spaces or trailer spaces. These parking spaces are in addition to those required in item i and shall be centrally located.
- K. General refuse collection facilities shall be shown on site plan and shall be in accordance with Health Department recommendations.
- L. Each mobile home shall be connected to a sanitary sewer and water supply system approved by the state of Arkansas Health Department.
- M. Mobile homes or trailers may be set on blocks, but wheels and tires shall remain on mobile home or trailer at all times.
- N. It shall be the duty of the Code Enforcement Officer to make an annual inspection of each approved mobile home park and present to the owner in writing a list of existing violations, should there be any. It shall be the duty of the owner to correct each and all violations within thirty (30) days or receipt of notice. The Code Enforcement Officer may take periodic inspections as he finds necessary. A twenty dollar (\$20.00) daily fine shall be charged to the owner of the park if violations are not corrected within thirty (30) days of receipt of notice of such violation.
- O. All mobile homes shall be required to be located in the approved mobile home park.
- P. Only mobile homes shall be located in an approved mobile home park.
- Q. If rezoning or conditional use is approved, a property development plan must be submitted for approval to the Pocahontas Planning Commission before a building permit can be issued. This information is obtainable at the City Hall, Pocahontas, Arkansas 72455. (Ord. No. 324, Sec. 2)

CHAPTER 14.16

AIRPORT HAZARD ZONING

Sections:

- 14.16.01 Short title
- 14.16.02 Definitions
- 14.16.03 Airport zones

14.16.04	Airport zone height limitations
14.16.05	Use restrictions
14.16.06	Non-conforming uses
14.16.07	Permits
14.16.08	Enforcement
14.16.09	Board of Adjustment
14.16.10	Appeals
14.16.11	Judicial review
14.16.12	Penalties

14.16.01 Short title This ordinance shall be known and may be cited as “Pocahontas Municipal Airport Hazard Zoning Ordinance.” It cancels and supercedes all previous zoning ordinances bearing this appellation. (Ord. No. 328, Sec. 1.)

14.16.02 Definitions As used in this ordinance, unless the context otherwise requires:

Airport - The Pocahontas Municipal Airport, located in Randolph County, Arkansas.

Airport Elevation - the highest point of an airport’s usable landing area measured in feet from mean sea level. Pocahontas Municipal airport has an elevation of 272.0 feet mean sea level.

Airport Hazard - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Structure - An object constructed or installed by a man, including but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines.

Tree - Any object of natural growth.

Non-Conforming Use - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.

Height - For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Person - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

Board of Adjustment – A Board consisting of five (5) members appointed by the Mayor, and approved by the City Council.

Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Primary Surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface 250 feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Approach, Transitional, Horizontal, and Conical Zones – These zones apply to the area under the approach, transitional, horizontal, and conical surfaces. (Ord. No. 328, Sec. 2.)

14.16.04 Airport zones In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to Pocahontas Municipal Airport. Such zones are shown on Pocahontas Municipal Airport Hazard Zoning Map consisting of one sheet, prepared by Crist engineers, Inc., Little Rock, Arkansas, and dated August 1976, which is attached to this Ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.

Transitional Zones – These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Horizontal Zone – The horizontal zone is hereby established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs.

Conical Zone – The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. (Ord. No. 328, Sec. 3.)

14.16.04 Airport zone height limitations Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

Approach Zone - Slopes upward twenty feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

Transitional Zones - Slopes upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 422.0 feet above mean sea level.

Horizontal Zone - One hundred Fifty (150) feet above the airport elevation or a height of 442 feet above mean sea level.

Conical Zone - Slopes upward and outward twenty feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation, and extending to a height of three hundred fifty (350) feet above the airport elevation.

Excepted Height Limitations - Nothing in this ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to fifty feet above the surface of the lands. Where an area is covered by more than one height limitation, the more restrictive limitation, shall prevail. (Ord. No. 328, Sec. 4.)

14.16.05 Use restrictions Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. No. 328, Sec. 5.)

14.16.06 Non-conforming uses

Regulations Not Retroactive - The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any

change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

Marketing and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed

necessary by the Airport commission of the city of Pocahontas to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the city of Pocahontas. (Ord. No. 328, Sec. 6.)

14.16.07 Permits

Future Uses - No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit heretofore shall have been applied for and granted.

- A. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 2,200 feet from each end of the runway except when such tree or structure because of terrain, land contour, or topographic features would extend above the height limit prescribed for the respective zone.
- B. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

Existing Uses - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

Non-Conforming Uses Abandoned or Destroyed Whenever the city Planning and Zoning Commission of the city of Pocahontas determines that a non-conforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no

permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this ordinance.

Hazard Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city of Pocahontas, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. (Ord. No. 328, Sec. 7.)

14.16.08 Enforcement It shall be the duty of the Code Enforcement Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Code Enforcement Officer upon a form furnished by him. Applications required by this ordinance to be submitted to the Code Enforcement Officer shall be promptly considered and granted or denied by him. Application for action by the Board of Adjustment shall be forthwith transmitted by the Code Enforcement Officer of the city of Pocahontas. (Ord. No. 328, Sec. 8.)

14.16.09 Board of Adjustment

- A. There is hereby created a board of Adjustment to have and exercise the following powers:
1. To hear and decide appeals from any order, requirement, decision, or determination made by the Code Enforcement Officer of the city of Pocahontas, Arkansas, in the enforcement of this ordinance;
 2. To hear and decide special exceptions to the terms of this ordinance upon which such Board of Adjustment under such regulations may be required to pass; and
 3. To hear and decide specific variances.
- B. The Board of Adjustment shall consist of five (5) members appointed by the Mayor of the city of Pocahontas, Arkansas, and approved by the City council, and each shall serve for a term of three (3) years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed

for a term of one year, two for a term of two years and two for a term of three years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

- A. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of such member upon each question; or if absent or if failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Clerk of the city of Pocahontas, Arkansas, and on due cause shown.
- B. The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this ordinance.
- C. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Code Enforcement Officer of the city of Pocahontas, Arkansas, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect variation in this ordinance. (Ord. No. 328, Sec. 9.)

14.20.09 Appeals

- A. Any person aggrieved, or any taxpayer affected, by any decision of the code Enforcement Officer of the city of Pocahontas, Arkansas, made in his administration of this ordinance, may appeal to the Board of Adjustment.
- B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Code Enforcement Officer and Clerk of the city of Pocahontas, Arkansas, a notice of appeal specifying the grounds thereof. The Code Enforcement Officer of the city of Pocahontas, Arkansas, shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

- C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer of the city of Pocahontas, Arkansas, certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Code Enforcement Officer and Clerk of the city of Pocahontas, Arkansas.
- D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- E. The Board of Adjustment may, in conformity with the provision of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances. (Ord. No. 328, Sec. 10.)

14.16.11 Judicial review Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Circuit Court of Randolph County, Arkansas, as provided in A.C.A. 14-363-307. (Ord. No. 328, Sec. 11.)

14.16.12 Penalties Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00), and each day a violation continues to exist shall constitute a separate offense. (Ord. No. 328, Sec. 12.)

CHAPTER 14.20

WIRELESS COMMUNICATIONS

Sections:

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14.20.01 Statement of purpose The wireless communication facility development standards are designed to achieve the following purposes:

- A. Provide a range of locations for wireless communication facilities, hereinafter referred to as throughout the city;
- B. Encourage the location of wireless communication facilities onto existing structures to reduce the number of new communication towers needed to serve the city;
- C. Encourage collocation and site sharing of new and existing wireless communication facilities;
- D. Control the type of wireless communication support structures, including towers, that are constructed;
- E. Protect residential areas and scenic corridors from uncontrolled development of wireless communication facilities by requiring reasonable location or siting conditions;
- F. Ensure the harmonious, orderly and efficient growth and development of wireless communication facilities within the city;
- G. Provide development standards for wireless communication facilities, that are consistent with the requirements of the Federal Telecommunications Act of 1996;
- H. Provide clear performance standards for locating wireless communication facilities; and
- I. Streamline and expedite the permitting procedures for wireless communication facilities to effect compliance with the Federal Telecommunications Act of 1996. (Ord. No. 2014-2, Sec. 1.)

14.20.02 Interpretation and definitions

- A. Construction of other ordinances To the extent the development standards of this section conflict with other ordinances of the city, these development standards shall control.
- B. Rules for words and phrases For the purposes of this section, words used in the present tense include the future tense; words in the singular number include the plural number; and words in the plural number include the singular number. The term “shall” is mandatory; the term “may” is permissive; the term “used” includes “designed” and “intended” or arranged to be used or occupied. The term “person” includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.
- C. Definitions The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Antenna Array means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include, but not be limited to, an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). An antenna array, hereinafter referred to as an antenna, does not include the support structure defined below.

Attached Wireless Communications Facility means an antenna that is attached to an existing building or structure such as utility poles, signs, water towers, rooftops, towers with any accompanying pole or device which anchors the antenna to the existing building or structure attachment along with associated connection cables, and any equipment facility which may be located either inside or outside the existing building structure.

Collocation site/sharing means use of a common wireless communication facility or common site by more than one wireless license holder, often referred to as the carrier, or by one wireless license holder for more than one type of communications technology and/or placement of an antenna on a structure owned or operated by a utility or other public entity.

Equipment compound means that portion of a wireless communication facility or an attached wireless communication facility that may contain a support structure and/or equipment facilities and is completely enclosed by security fencing.

Equipment facility means any structure used to contain ancillary equipment for a wireless communication facility and may include cabinets, shelter, and a build-out of an existing structure, pedestals, and other similar structures.

FAA means the Federal Aviation Administration.

FCC means the Federal Communication Commission.

FTA means the Federal Telecommunications Act of 1996.

Height means the vertical distance measured from the base of a tower or other support structure to the highest point on the wireless communication facility, including the antenna array and other attachments.

Planning and Zoning Commission (PZC) means the officially designated planning and zoning authority for the city.

Stealth technology means the technique or process of disguising wireless communication facilities to fit into the natural or urban landscape.

Support structure means a structure designed and constructed specifically to support an antenna array support structure, and shall include a monopole, lattice tower, guy-wire support tower and other similar structures. Any attachment device used to anchor an attached structure shall be excluded from the definition of and regulations applicable to support structures.

Temporary wireless communication facility means a wireless communication facility to be placed in use for ninety (90) days or less.

Wireless communications means any personal wireless service as defined in the Telecommunications Act of 1996 (FTA), which includes FCC-licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless communication facility, hereinafter referred to as a wireless facility, means any unstaffed wireless facility used for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna, connection cables, an equipment facility, and, if appropriate, a support structure to achieve the necessary elevation. (Ord. No. 2014-2, Sec. 2.)

14.20.03 Preferred locations for wireless facilities

- A. No wireless telecommunications facilities shall be allowed on properties and/or structures in any residential zoned areas. No permit, as a variance, shall be granted for any use in a zone that is not permitted under this ordinance.
- B. Lattice towers and guyed towers will not be allowed under any circumstance in any zoning district in the city.
- C. Attached wireless facilities are allowed in Agriculture zones, Industrial zones and C-1, C-2 zoned areas. Support structures shall be allowed in the various zone districts as shown in the following table:

<u>Zone district</u>	<u>Type or permitted support structure</u>			
	<u>Stealth</u>	<u>Monopole</u>	<u>Lattice</u>	<u>Lattice with guy</u>
Support structures are permitted in the following zoned districts:				
A-1 Agricultural district	x	x	None	None
R-1 Med Density Res.	None	None	None	None
R-2 High Density Res.	None	None	None	None
C-1 Central Bus District	x	x	None	None
C-2 Gen. Business	x	x	None	None
I-Industrial District	x	x	None	None

- D. Locations for wireless facilities are listed below in order of preference:
1. Antenna attachments onto an existing support structure including collocation with other wireless facilities without increasing the height of the tower or structure.
 2. On existing towers or other structures without increasing the overall height of the tower or structure by more than ten (10) feet.
 3. Attached wireless facilities without increasing the overall height of the tower or structure by more than ten (10) feet.
 4. Location within an Industrial Zone district (I).
 5. Location within a C01 or C-2 Commercial district.
 6. Location within an Agricultural district.
 7. Prior to applying to the Planning and Zoning Commission for a permit for a new location for a wireless facility, the applicant shall provide the Commission with adequate information to establish that equipment planned for the proposed wireless facility cannot be accommodated on existing or approved towers, buildings or alternative structures within the applicants search radius, or search ring, or within a less restrictive zone district due to one or more of the following reasons;
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower, building or structures, as documented by a qualified and licensed state professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, building or other structure as documented by a qualified and licensed state engineer and the interference cannot be prevented at a reasonable cost.

- c. Existing or approved towers, buildings or other structures within the search radius or ring, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency (RF) engineer.
- d. Other unforeseen reasons that make it unfeasible to located the planned telecommunication equipment upon an existing or approved tower, building or other structure, or within a less restrictive zone district. (Ord. No. 2014-2, Sec. 3.)

14.20.04 Zoning permit and building permit required No person shall install or construct any wireless facility unless and until a zoning permit, if applicable, and a building permit have been issued pursuant to the requirements of this ordinance. (Ord. No. 2014-2, Sec. 4.)

14.20.05 Pre-existing wireless communication facilities Any wireless facility installed prior to the effective date of this ordinance shall be considered as non-conforming. (Ord. No. 2014-2, Sec. 5.)

14.20.06 Non-conforming facilities Wireless communication facilities in existence on the date of the adoption of the amendment to the zoning ordinance from which this section is derived, which do not comply with the requirements of this section are considered to be non-conforming and are subject to the following provisions:

- A. Expansion Non-conforming wireless facilities may continue in use for their existing purpose, but may not be expanded without complying with this article except as further provided in this section.
- B. Additions Non-conforming wireless facilities may add additional antennas and ground equipment and may expand the footprint of the ten-existing equipment compound belonging to the same service provider (carrier) or other providers subject to administrative review under this section.
- C. Repairs or reconstruction Non-conforming wireless facilities that become damaged due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to the provisions of this section.
- D. Abandonment Any non-conforming wireless facility not in use for six (6) months shall be deemed abandoned and all rights as a non-conforming use shall cease. (Ord. No. 2014-2, Sec. 6.)

14.20.07 Amateur radio exclusion This section shall not govern the installation of any amateur radio wireless facility that is owned and operated by a FCC licensed amateur radio station operator. (Ord. No. 2014-2, Sec. 7.)

14.20.08 Airport proximity Any wireless facility located or proposed to be located in airport areas including approach zones governed by the FAA shall comply with the provisions of all applicable local, state and federal airport regulations. (Ord. No. 2014-2, Sec. 8.)

14.20.09 Development standards The following development standards shall apply to all wireless facility installations constructed after the effective date of the amendment to the zoning ordinance from which this section is derived.

A. Height standards

1. Wireless facilities on attachment structures and existing support structures
Antennas mounted on an existing building, water tank or other attachment structure other than a freestanding support structure must not extend more than ten (10) feet above the highest part of the structure.
2. Wireless facilities on new support structures

<u>Location</u>	<u>Maximum height</u>
Commercial zone district	60 feet
Industrial zone district	60 feet
Agricultural zone district	100 feet

In the event an applicant has a compelling reason to exceed these height standards, the matter may be addressed in the application before the PZC for review, consideration, and decision

B. Setback standards

1. Wireless facilities on existing support structures shall conform to existing setbacks.
2. Wireless communication facilities on all proposed towers and any other proposed wireless telecommunications facilities shall be set back no less than 1,000 feet from any residential structure of any adjoining property owner when the proposed location of the telecommunications structure is in a district zoned Agriculture (A-1) that is a minimum of forty (40) acres as required herein.

3. When the proposed location of the telecommunications structure is in a district zoned Industrial or Commercial (C-1 and/or C-2), all proposed towers and any other proposed wireless telecommunications facilities shall be no less than 1,000 feet from any residential structure of any adjoining property owner, without regard to the property boundaries.
4. All proposed towers and any other proposed wireless telecommunications facility structures along recorded rights-of-way, roads and streets shall be a sufficient distance from same to assure safety of persons and structures in the vicinity. A standard of acceptable distance from rights-of-way, roads and streets will be equal to the height of the proposed tower or wireless telecommunications facility structure. Applicants proposing a smaller setback shall demonstrate ancillary safety precautions in the design of the structure to justify the smaller setback.

C. Landscaping and screening

1. All sites shall be landscaped around to provide vegetation, landscaping, and other beautification to enhance the appearance of the structure. Applicant shall take into account the placement of the tower, appearances from all angles, and long-lasting plant life and applicant's printed materials must include information regarding landscaping and screening plans.
2. Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible, provided however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed.
3. Existing vegetation at a site may be used in lieu of required landscaping where such use is approved by the Planning Commission.

D. Aesthetics, placement, materials and colors All support structures shall be designed so as to blend with the existing structures and surroundings to the extent feasible, including placement in a location that is consistent with proper functioning of the structures, the use of compatible or neutral colors, and stealth technology.

E. Lighting and signage Support structures shall not be artificially illuminated, directly or indirectly, except for:

1. Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and

2. Such illumination of the structure as may be required by the FAA or other applicable authority installed in a manner to minimize impacts or adjacent residences.
 3. Support structures shall not display any signage, logos, decals, symbols or any messages of a commercial or non-commercial nature.
- F. Security fencing Support structures shall be enclosed by a security fence not less than six (6) feet in height and the structures shall be equipped with an appropriate anti-climbing device, unless the applicant can demonstrate to the Planning Commission that the site is adequately secured by other measures. Security features may be incorporated into the buffer, landscaping and screening requirements for the site. Nothing herein shall prevent security fencing which is necessary to meet requirements of state or federal agencies.
- G. Radio frequency emissions and sound
1. Radio frequency impact The FTA gives the FCC jurisdiction for regulating radio frequency (RF) emissions. The approval of wireless facilities shall not be conditioned or denied on the basis of RF impact.
 2. FCC compliance Applicants for wireless facilities shall be required to provide information with the application on the periodic measurement of the effective radiated power of the wireless facility and how this meets FCC standards. A procedure or protocol shall be established for furnishing this information to the city so RF emission levels may be monitored.
- H. Structural integrity
1. Wireless facilities with support structures shall be constructed to the Electronics Industries Association and Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled Structural Standards for Steel Antennas Towers and Antenna Support Structures, as it may be updated and amended. Each support structure shall be capable of supporting multiple antennas.
 2. All support structures shall be designed and constructed to collapse within the industry-approved radius of the center point of the structure. However, in no case shall the collapse radius go beyond a property line.

3. All support structures shall be designed and constructed to meet seismic requirements of all applicable codes.
4. All support structures shall be designed and constructed to meet wind-load requirements of all applicable codes.

Compliance with these structural requirements shall be certified by an independent structural engineer registered in the state and also by the manufacturer of the structure. These certifications must be submitted to the city before a building permit can be issued for the structure.

- I. Design and collocation support structure All wireless facilities with a support structure up to a height of 100 feet shall be engineered and constructed to accommodate at least three (3) antenna.
- J. Collocation statement All applicants for a wireless facility shall submit a statement with the application agreeing to allow and actively market collocation opportunities to other wireless communication providers or carriers. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rental rates for other providers. The collocation statement shall be conditioned on the issuance of a zoning permit and a building permit for the proposed wireless facility. These permits may not be issued unless the applicant complies with the collocation policy outlined in this section.
- K. Compliance with building codes In addition to the requirements of this section, construction of all wireless facilities shall comply with all local and state construction codes. (Ord. No. 2014-2, Sec. 9.)

14.20.10 Review process

- A. All proposed wireless facilities that include support structures shall be subject to the procedure, standards, and guidelines set out in this ordinance.
- B. In cases of emergency, e.g. storm damage to an existing tower or other circumstances resulting in interruption of existing service, a temporary wireless facilities, that meets the standards and guidelines set out in this ordinance, may be permitted by the Mayor for a term not to exceed ninety (90) days. Once granted, a temporary wireless facility permit may be extended for an additional nine (90) days upon evidence of need presented by the applicant. (Ord. No. 2014-2, Sec. 10.)

14.20.11 Approval processA. Application submission

1. Submission requirements Each applicant requesting a zoning permit and/or building permit for a facility must be signed by the landowner of record, the developer of the support structure, and the initial communication provider or carrier. An application without all signatories shall be considered incomplete and will not be reviewed.
 - a. Certificate of ownership giving the names, titles, relationships, and addresses of all landowners of record. Each owner of record must sign the certificate. A copy of the deed for the land proposed as the site for a wireless facility must accompany the certificate.
 - b. Site survey prepared by a surveyor licensed in the state showing property boundaries, topography, major vegetation, existing structures, and other features. This survey should also illustrate, but not with survey accuracy, the location of structures on abutting land including land on the opposite side of an adjoining public street.
 - c. Site plan showing the location of all proposed facilities including the support structure, equipment buildings or shelters, setback lines, access driveways, parking spaces, fencing, landscaping, and any other features deemed important in explaining the proposal. A site plan is not required if the wireless facility is proposed to be located on an existing structure.
 - d. Elevation of the support structure showing dimensions of the base of the structure, height of the structure, location of antenna array, and other information necessary to adequately depict the structure.
 - e. Specifications for the support structure and antenna including a description of design characteristics and materials.
 - f. Photographic simulations of the site from four (4) directions with the support structure in place. The purpose of these simulated photographs is to help evaluate the potential visual and aesthetic impacts the proposed structure will have on the surrounding area. In unusual situations, the city planner may require a balloon test to help evaluate the potential impact a support structure might have on the surrounding neighborhood.

- g. Evidence that a valid FCC license has been issued for the proposed wireless facility.
 - h. Acknowledgment of the structural certification requirements and a statement affirming the intention to provide these certifications to the city prior to a request for a building permit.
 - i. An agreement to remove the support structure within ninety (90) days after cessation of use.
 - j. Evidence that the applicant has made a reasonable good faith attempt to locate its facility onto an existing structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against collocation.
 - k. Evidence that an applicant proposing to place a wireless facility in a residential district cannot achieve the desired service coverage and capacity by placing the wireless facility in a non-residential district.
 - l. Evidence that the proposed wireless facility is to be designed engineered and constructed with the capability of sharing the wireless facility with other service providers.
 - m. A collocation statement that allows and ensures active marketing of collocation opportunities to other wireless facility providers or carriers. This agreement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rental rates for other service providers.
 - n. A statement describing the applicant's proposed protocol for periodically monitoring radio frequency (RF) emissions and reporting the finding to the city.
2. Application fee A plan review fee in the amount of One Hundred Dollars (\$100.00) shall accompany each application for a support structure or an antenna array.

3. If the application is approved, then a building permit for the construction of a new wireless communication facility shall be Five Thousand Dollars (\$5,000.00). A permit to increase the height of an existing structure and/or for the construction and/or installation of an additional array shall be Two Thousand Five Hundred Dollars (\$2,500.00).
4. Additional technical assistance In the course of its consideration of an application for a wireless facility, the city may deem it necessary, in complex situations, to employ an engineer or other consultant qualified in the design and installation of wireless facilities to assist the city in reviewing technical aspects of the application. In such cases, the actual cost incurred by the city in obtaining the technical review and recommendation shall be reimbursed by the applicant prior to the hearing before the Planning and Zoning Commission. The proposal for technical review services, including a “not to exceed” cost estimate, shall be presented to the applicant for approval prior to employing an engineer or other consultant.

B. Administrative review

1. Review authority An application for collocation of an antenna on an existing support structure that has been approved by the Planning and Zoning Commission may be reviewed and approved by the Board of Zoning Adjustments.
2. Review criteria Each application shall be reviewed for compliance with the development criteria specified in this section.

C. Planning and Zoning Commission approval

1. Review authority The Planning and Zoning Commission (PZC) shall be the review authority for all wireless facility applications.
2. Notice of public hearing All notice of public hearing procedures prescribed for consideration of a change in zoning classification pursuant to city ordinance shall be followed.
3. Public hearing PZC shall review and consider a permit application at a public hearing. Interested persons may appear and offer information in support or opposition to the proposed wireless facility application. PZC shall consider the following factors in reaching a decision:

- a. The complete application for a wireless facility shall be reviewed for compliance with the development criteria set forth in this section.
 - b. PZC may recommend alternative development criteria, impose stipulations, or add restrictions on the wireless facility proposal as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the wireless facility with the surrounding property, in accordance with the purposes and intent of this section of the zoning chapter, provided, however, the alternative development criteria, conditions or restrictions are reasonable and capable of being accomplished. The inclusion of additional conditions, development criteria or restrictions shall be by specific inclusion in a motion for approval.
4. Approval criteria A permit for a wireless facility may be granted when each of the following finding of fact have been made by the PZC:
- a. The wireless facility will not materially endanger the public health or safety if located where proposed by the application and developed according to the submitted plan;
 - b. The wireless facility meets all required conditions, specifications and development standards of this chapter;
 - c. The wireless facility will not substantially injure the value of adjoining or abutting property;
 - d. The location and character of the wireless facility, if developed according to the submitted plan, will be in harmony with the area in which it is to be located and in general conformity with the city comprehensive plan;
 - e. Any additional development conditions recommended by PZC are based upon the purpose and goals of this section which is to promote, preserve, and protect the public interest;
 - f. Any additional development conditions recommended by PZC are reasonable and capable of being accomplished.

5. Action Following the public hearing and presentation of evidence the PZC shall take one of the following actions:
 - a. Approve the application as submitted;
 - b. Approve the application with conditions or modifications;
 - c. Deny the application in writing; or
 - d. Refer the application to the City Council for final disposition.
6. Findings All decision rendered by the PZC concerning a wireless facility application shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record. All findings of fact and the reasoning behind a decision shall be provided to the applicant within fifteen (15) days following the decision.
7. Appeals A decision of the PZC to deny the application may be appealed to the City Council within thirty (30) days after the decision. (Ord. No. 2014-2, Sec. 11.)

14.20.12 Removal of abandoned support structures Any support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the city, at its election, may require the support structure owner to remove the support structure within ninety (90) days after notice from the city. If there are two or more users of a single support structure, this provision shall not become effective until all service providers or carriers cease to use the support structure. If the owner of an abandoned support structure cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the support structure is located. (Ord. No. 2014-2, Sec. 12.)

14.20.13 Revocation zoning permit and building permit A zoning permit and/or a building permit for development of a wireless facility may be revoked at any time during the construction process for any violation of the zoning chapter including this section. Permits may be reinstated once the violation is corrected. (Ord. No. 2014-2, Sec. 13.)

CHAPTER 14.24**ANNEXING, VACATING AND REZONING PROPERTY****Sections:**

14.24.01	Annexing
14.24.02	Vacating
14.24.03	Rezoning

14.24.01 Annexing

Ord. No. 282	N ½ of SE ¼ of Sec 35, Twp 19 N, Range 1 East
Ord. No. 291	S ½ of NW ¼ of Sec 22, Twp 19 N, Range 1 East
Ord. No. 303	SE corner of Sec 20, Twp 19 N, Range 1 East
Ord. No. 313	Tara St., Douglas St., Scott St., Tammie Dr., Robbie Dr., S Vicki St.
Ord. No. 322	Part of SE ¼ of Se ¼ of Sec 20, Twp 19 N., Range 1 East
Ord. No. 372	W ½ NE ¼ of Sec 17, Twp 19 N, Range 1 East
Ord. No. 374	S ½ of NE ¼ of NW ¼, Sec 17, Twp 19 N, Range 1 East
Ord. No. 384	Part of NW ¼ of Sec 17, Twp 19 N, Range 1 East
Ord. No. 386	Part of W ½ of Lot 2 of NE ¼, Sec 3, Twp 18 N., Range 1 East
Ord. No. 406	Part of NW ¼ of SE ¼ of Sec. 17, Twp 19 N, Range 1 East
Ord. No. 407	Part of SE ¼ of NW ¼ of Sec. 17, Twp 19 N, Range 1 East
Ord. No. 408	Part of NE ¼ of Sec. 33, Twp 19 N., Range 1 East
Ord. No. 419	Part of Ne ¼ of Sec. 33, Twp 19 N., Range 1 East
Ord. No. 421	Part of NE ¼ of Sec. 33, Twp 19 N., Range 1 East
Ord. No. 458	Part of NW ¼ of Sec 17, Twp 19 N, Range 1 East
Ord. No. 478	East 50' of SW ¼ of Sec. 34, Twp 19 N, Range 1 East
Ord. No. 511	East 475' of NE ¼ of Se. 20, Twp 19N., Range 1 East
Ord. No. 514	Lots 1 - 18 of Hidden Oaks Subdivision
Ord. No. 98-01	Part of NW ¼, Sec. 17, Twp 19 N., Range 1 East
Ord. No. 98-06	NE ¼ of Sec. 17, Twp 19 N., Range 1 East
Ord. No. 99-08	Part of NE ¼ of Sec. 3, Twp 18 N., Range 1 East
Ord. No. 99-13	Part of NW ½ of Seec. 33, Twp 19 N, Range 1 East
Ord. No. 2000-6	N. 1/3 of NE ¼ of Sec. 29, Twp 10 N, Range 1 East
Ord. No. 2004-2	Lots 49 – 57 of Hidden Oaks Subdivision Third Addition
Ord. No. 2004-4	Part of SE ¼ of Sec. 17, Two 19 N, Range 1 East
	W ½ of Sec. 17, Two 19, N, Range 1 East
	Part of SE ¼ of Sec. 17, Twp. 19 N, Range 1 East
	Part of NE ¼ of Sec. 29, Twp 19 N, Range 1 East
	Part of NW ¼ of Sec. 21, Twp 19 N, Range 1 East

Ord. No. 2004-5	Lots 19 – 48 of Hidden Oaks Subdivision Second Addition
Ord. No. 2007-6	Part of NE ¼ of Sec. 29, Twp 19 N, Range 1 East
Ord. No. 2009-7	Part of N 1/3 of Sec. 17, Twp 19 N, Range 1 East
Ord. No. 2009-9	W ½ of Sec. 16, Twp 19 N, Range 1 East
Ord. No. 2017-04	Part of the NE ¼ of the SW ¼ in Sec. 29, Twp. 19N. Range 1 East
Ord. No. 2017-05	Part of the SE ¼ of the SE ¼ of Sec. 20, Twp. 19N, Range 1 East
Ord. No. 2017-09	Repealed Ord. No. 2017-06
Ord. No. 2017-10	Part of the NW ¼ of Sec. 20, Twp. 19N, Range 1 East
Ord. No. 2017-14	Part of SE ¼ SE ¼ of Sec. 20, Twp. 19N, Range East

14.24.02 Vacating

Ord. No. 208	Part of SE 1/4 of Sec. 29, Twp 19 N, Range 1 East
Ord. No. 222	Part of Barre St. from Swiss St to Block 49
Ord. No. 223	Swiss St. between Barre St. and Weible St.
Ord. No. 224	Unnamed St. between Weible St. and Barret St. in Smith Addition
Ord. No. 230	Brown St. between bland St. and Wilson St. in Jerome Hill Addition
Ord. No. 233	Harvey St. in Bowlin and Barthel Additions
Ord. No. 234	Brown St. between Black St and Mason St.
Ord. No. 237	Byers St between Blocks 17 & 18 West of Broadway
Ord. No. 239	Vance St. between Broadway St. and Copeland St.
Ord. No. 241	Bryant St. between Bland St. and Haw St. in Jerome Hill Addition
Ord. No. 252	Marvin St. between Thomasville St. and Dorothy St.
Ord. No. 258	Olive St east of Spinnenweber St. and an unnamed street
Ord. No. 261	Part of Vance St between Rice St and Byers St
Ord. No. 269	Part of Harvey St of Bowlin Addition
Ord. No. 283	Part of Rock St. in Dust Subdivision
Ord. No. 292	Unnamed street 150' x 40' located between Lot 2 & Lot 1 in Dickson
Ord. No. 299	Unnamed street in Block 14 of original town
Ord. No. 312	Part of Bryant St between Black and Mason St.
Ord. No. 325	Part of rock St in Dust subdivision
Ord. No. 331	Part of Hughes St adjacent to Lots 1,2,12 & 13 in Waddle & Hughes
Ord. No. 332	Part of Locust St, Second and Third St. in Lakeview Addition
Ord. No. 338	Part of Williamson St in Jerome Hill Addition Part of Brown St.
Ord. No. 339	Pyburn St
Ord. No. 352	Part of Marr, Jefferson & Byers St in Broadway subdivision
Ord. No. 361	SW 1/4 of SE 1/4 of Sec 28, Twp 19 N, Range 1 East
Ord. No. 365	SE 1/4 of SW 1/4 of Sec 22, Twp 19 N, Range 1 East
Ord. No. 366	Part of Dickson or Second St.
Ord. No. 376	Haw St between VanBibber and Marr St in Jerome Hill Addition
Ord. No. 389	Part of Hubbell St between Block 15 & Block 22 of Shannon Addition

Ord. No. 390	Part of Marr St between Block 10,11 & 12 of Kline Addition
Ord. No. 391	Unnamed street joining convent and Broadway St.
Ord. No. 420	Part of Creek St in Witt and Bispham Addition
Ord. No. 424	Part of Dunn St between Pine and Maple Street in Dalton Addition
Ord. No. 425	Block 9 of Dalton Addition
Ord. No. 430	Part of Williamson and Carter St. in Hill Addition
Ord. No. 464	Part of Mcdonald St. in original town
Ord. No. 496	Part of Rice St. east of Mcdonald St.
Ord. No. 501	Byers, Rice, Copeland and Broadway St.
Ord. No. 97-04	Part of Copeland St between Marr and Bettis St.
Ord. No. 97-07	Kline St
Ord. No. 98-05	Part of Haw St between Brown and Bryant St.
Ord. No. 98-07	Part of Vance St. between Mason and Black St.
Ord. No. 2007-6	Part of NE ¼ of Sec. 29, Twp 19 N, Range 1 East
Ord. No. 2015-10	403 Wurtz Circle
Ord. No. 2019-14	McDonald St. btw Blocks 10 & 7, 11 & 6, 5 & 12, all of Wiley St. btw Blocks 6 & 7, all of Church St. btw Blocks 5 & 6, Blocks 11 & 12, 43 & 44, & 53 & 54, & all of Basin St. btw Blocks 12 & 13 & 4 & 5

14.24.03 Rezoning

Ord. No. 329	From R-1 to I-1	Part of E ½ Sec 35, Twp 19 N, Range 1 East
Ord. No. 330	From R-1 to C-2	Part of NE 1/4 Sec 29, Twp 19 N, Range 1 East
Ord. No. 333	From R-2 to C-1	Blocks 16,17,24 & 25 west of Broadway
Ord. No. 334	From R-1 to C-2	Part of E ½ of Sec 28, Twp 19 N, Range 1 East
Ord. No. 337	From R-2 to C-1	S ½ of Block 14 Sec 27, Twp 19 N, Range 1 East
Ord. No. 340	From A-1 to C-2	Part of NE 1/4 of Sec 20, Twp 19 N, Range 1 East
Ord. No. 348	From R-1 to C-1	Part of Block 14 west of Broadway St.
Ord. No. 349	From A-1 to C-2	Part of NE 1/4 of Sec 20, Twp 19 N, Range 1 East
Ord. No. 353	From R-1 to c-2	Lot 1 of East Airport First Addition
Ord. No. 354	From A-1 to C-1	Part of SE 1/4 of Sec 21, Twp 19 N, Range 1 East
Ord. No. 356	From R-1 to C-2	Part of NE 1/4 of Sec 17, Twp 19 N, Range 1 East
Ord. No. 358	From R-1 to R-2	SE corner of Sec 20, Twp 19 N, Range 1 East
Ord. No. 364	From A-1 to C-2	Part of SE 1/4 Sec. 20, Twp 19 N, Range 1 East
Ord. No. 371	From R-2 to C-2	SE 1/4 of Sec 28, Twp 19 N, Range 1 East
Ord. No. 392	From R-2 to C-2	W ½ of SE 1/4 of Sec 28, Twp 19 N, Range 1 East
Ord. No. 393	From R-1 to R-2	SE 1/4 of Sec 29, Twp 19 N, Range 1 East
Ord. No. 396	From R-1 to R-2	Lots 2 - 12 of Block 1 in the Plat Book
Ord. No. 397	From R-1 to R-2	Part of SW 1/4 of Sec 21, Twp 19 N, Range 1 East
Ord. No. 398	From R-1 to C-2	Part of Lot 16 in Kline Addition
Ord. No. 427	From R-1 to R-2	Part of SW 1/4 of Sec 21, Twp 19 N, Range 1 East
Ord. No. 432	From R-1 to C-2	NE 1/4 of Sec 21, Twp 19 N, Range 1 East

Ord. No. 437	From R-2 to R-1	Lewallen Addition
Ord. No. 446	From R-2 to C-2	Part of NW 1/4 of Sec 17, Twp 19 N, Range 1 East
Ord. No. 450	From R-2 to C-2	Block 65 East of Broadway
Ord. No. 459	From R-2 to C-2	Block 62 of original Town
Ord. No. 460	From R-1 to C-2	Part of NE 1/4 of Sec 29, Twp 19 N, Range 1 East
Ord. No. 466	From R-2 to C-2	Part of SE 1/4 of Sec 17, Twp 19 N, Range 1 East
Ord. No. 465	From R-2 to C-2	Lots 3, 4 and 5 of Block 24 in Shannon Addition
Ord. No. 472	From A-1 to C-2	Part of E 1/2 of Sec 34, Twp 19 N, Range 1 East
Ord. No. 2002-12	From R-2 to C-2	Lots 5,6,7 & 8 of Jansen Fifth Addition
Ord. No. 2003-4	From C-2 to R-2	S 1/2 of Block 14, Sec. 27 Twp 19 N, Range 1 East
Ord. No. 2003-7	From C-2 to R-1	Part of NE 1/4 of Sec. 17 Twp 19 N, Range 1 East
Ord. No. 2005-2	From R-2 to C-2	1/2 Block 5 west of Thomasville Ave.
Ord. No. 2006-5	From R-2 to C-2	Part of NE 1/4 of Sec. 28, Twp 19 N, Range 1 East
Ord. No. 2009-10	Variance for R-2	Lots 8 & 9 of Block 2 of Johnson Subdivision
Ord. No. 2010-3	Variance for R-2	Part of NE 1/4 of Sec. 27, Twp 19 N, Range 1 East
Ord. No. 2010-9	Variance for R-2	1812 West Marr in Shannon Addition
Ord. No. 2012-13	From R-1 to C-2	Part of SE 1/4 of Sec. 21, Twp. 19 N, Range 1 East
Ord. No. 2015-08	From R-2 to C-2	See attached exhibits
Ord. No. 2016-08	To R-1 & From A-1 to R-2	East Airport 4 th Addition, See attached exhibit
Ord. No. 2016-15	From I-1 to C-2	Part of E 1/2 of Sec. 35, Twp. 19 N, Range 1 East
Ord. No. 2017-12	From A-1 to C-2	Part of the NE 1/4 of NE 1/4 of Sec. 33, Twp 19N Range 1 East
Ord. No. 2017-13	From R-1 to C-2	Tract 1-Part of Block 23, W of Broadway Street Tract 2-Part of Block 23, W of Broadway Street Tract 3-Part of Block 23 & 24 & a portion of Byers Street
Ord. No. 2017-17	From C-2 to I-I	Part of the SE 1/4 of the SE 1/4 of Sec. 34, Twp. 19N, Range 1 East
Ord. No. 2018-05	From I-I to C-2	1112 Pace Road
Ord. No. 2018-07	From I-A to C-2	South 510.05' of NW 1/4 of NW 1/4 Sec. 35, Twp 19N Range 1 East
Ord. No. 2019-05	From R-3 to C-2	E 135' of the N 105' of Block 4 of Airport Addition
Ord. No. 2019-07	From A-1 to C-2	Corner of Hwy 304 & Hwy 67

CHAPTER 14.28

PROPERTY ASSIGNED

FOR PUBLIC USE

Sections:

14.28 Property Assigned for Public Use

14.28 Property Assigned for Public Use That proposed assignment and dedication of the property interest memorialized in Exhibit A is hereby accepted and approved by the City Council for the City of Pocahontas.

On behalf of the Chamber of Commerce of the City of Pocahontas, Arkansas in consideration of (\$0.00), the receipt of which is acknowledged, do hereby grant, bargain, sell, assign and transfer to the City of Pocahontas, the Chamber of Commerce's right under the reversionary interest memorialized in the Randolph County Warranty Deed of Record Book 92, Page 199 to reacquire that part of the real property sold to the Arkansas State Highway Commission in Randolph County, Arkansas to wit:

OLD RANDOLPH AREA HEADQUARTERS
3040 Highway 115
Pocahontas, AR
(Ord. No. 2019-13)