

CITY OF POCAHONTAS

ZONING CODE

Adopted: October __, 2015
Ordinance _____

Prepared with the assistance of:



**ZONING CODE
POCAHONTAS, ARKANSAS**

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ARTICLE I. CITATION, PURPOSE, JURISDICTION

Section 1.01.0. Citation

This Code shall be known as the Zoning Code of the City of Pocahontas and may be cited as such or, for the sake of brevity, as the “Zoning Code.”

Section 1.02.0. Purpose

These zoning regulations are enacted to implement the Comprehensive Plan for the City of Pocahontas and to promote the safety, order, convenience, prosperity, and general welfare of the citizens of Pocahontas, Arkansas. They are also intended to provide for efficiency and economy in the process of development for the appropriate use of land, for the use and occupancy of building, for helpful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

Section 1.03.0. Authority

The provisions contained in the Zoning Code are adopted with the authority given to the city by the General Assembly of the State of Arkansas, A.C.A. §14-54-103, General Powers of Cities and Towns; A.C.A. §14-54-104; and A.C.A. Title 14, Chapter 56, Municipal Building and Zoning Regulations--Planning; as amended.

Section 1.04.0. Jurisdiction

These regulations apply within the corporate limits of the City of Pocahontas.

Section 1.05.0. Validity and Repeal

1.05.1. Validity

The following statements pertain to the validity of this code:

- A. This Zoning Code and all its parts shall be severable. If any part, sentence, paragraph, section or subsection, phrase or clause is judged unconstitutional or invalid, the remainder of the Zoning Code shall remain intact.
- B. The City Council of the City of Pocahontas declares that all remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

1.05.2. Repeal

All or parts of ordinances in conflict with this Zoning Code or inconsistent with provisions of this Code are repealed to the extent necessary to give this Zoning Code full force and effect upon its adoption by ordinance of the City Council of the City of Pocahontas, Arkansas.

ARTICLE II. APPLICATIONS AND APPEALS

Section 2.01.0. Applications

In order to obtain zoning changes and certain permits, an applicant must first submit an application to the Administrative Official. The process for filing specific kinds of applications may be found as listed below.

Rezoning	Section 13.02.0	Page 43
Variance	Section 15.05.0	Page 49
Conditional Use Permit	Section 14.02.0	Page 46
Child Care Center	Section 9.03.0	Page 27
Home Day Care	Section 9.04.0	Page 28

Applicants should obtain the forms and directions for all applications at City Hall. The Administrative Official will maintain a calendar showing the required date for all applications.

Section 2.02.0. Public Hearings

2.02.1. Public Hearing Requirements

Public hearings shall be held for all rezoning requests, planning commission decision appeals conditional use permits, Board of Adjustment meetings, revisions to the Comprehensive Plan, and revisions to the Zoning Code.

2.02.2. Amendments and Permits

For Comprehensive/Future Land Use Plan amendments, rezonings, conditional use permits, and appeals of decisions of the planning commission, an advertised notice of public hearing is to be placed in a public newspaper of general circulation at least fifteen (15) days prior to the meeting.

2.02.3. Board of Adjustment

Meetings of the Board of Adjustment shall be public hearings and require a notice of public hearing to be advertised seven (7) days prior to the hearing.

2.02.4. Meetings

The Planning Commission shall conduct all meetings in accordance with its most recently adopted by-laws. All meetings are open to the public.

Section 2.03.0. Appeals

2.03.1. Appeals from the decisions of the Planning Commission

Any person wishing to appeal a decision of the Planning Commission in interpreting any section of these zoning regulations or any decision approving or denying an application may make an appeal to City Council.

- A. Notice of Appeal: Notice of an appeal to the City Council of a decision of the Planning Commission to approve, conditionally approve, or deny a request shall be filed with the Administrative Official by the applicant or any other interested party within thirty (30) days of the decision together with an appeal fee.

The Notice of Appeal shall be filed on forms and in a format prescribed by the City. As a minimum, however, the applicant shall provide the following information:

1. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.
 2. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.
 3. Reasons why the applicant of the appeal believes that the public health, safety, and welfare would be better served if the Planning Commission's decision were reversed.
 4. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision.
- B. Public Notice: Following receipt of the notice of appeal, the City Clerk shall set the matter for consideration on the City Council's next available agenda and give due notice to interested parties of the time and place of the public hearing.

The Administrative Official shall provide notice of the appeal in a publication of general circulation at least 15 days before the hearing.

Also, the City shall require the petitioner to place a sign in an eye-catching place on the site of the property in question, indicating the date, time, and place of the public hearing on the petition. The sign should be placed on the site no fewer than 15 days prior to the date of the hearing.

- C. Appeal Hearing: At the time set for the appeal consideration, the City Council shall receive a written report from the Administrative Official on behalf of the Planning Commission setting forth the facts and circumstances of the case and the decision of Planning Commission. The applicant and any other interested party shall have an opportunity to present testimony orally and/or in writing.

If new information is presented to the City Council that was not presented at the public hearing held before the Planning Commission or otherwise considered by the Planning Commission or public, the City Council may remand the case back to the Planning Commission for reconsideration. For rezoning requests and conditional use requests, such reconsideration shall require a new public hearing.

The City Council may affirm, reverse, or modify the decision of the Planning Commission. The decision of the City Council shall be final and shall be effective immediately upon pronouncement of the decision.

- D. Conditions: The City Council may only impose such conditions to its approval as may be necessary to conform to the City's Zoning Code and building regulations.

2.03.2. Appeals from the decisions of the Board of Adjustment

Appeals from the decision of the Board of Adjustment shall be made within thirty (30) days of the decision directly to the court of record having jurisdiction as prescribed by A.C.A. §14-56-416.

2.03.3. Appeals from the decisions of the Administrative Official

Appeals from the decisions of the Administrative Official shall be heard by the Board of Adjustment. See Section 15.06.0.

Section 2.04.0. Expirations, Extensions, and Reinstatements

Planning Commission and City Council approvals covered by the Zoning Code shall be subject to the following expiration requirements.

- A. Rezoning : No expiration.
- B. Conditional Use: No expiration unless placed as a condition of approval by the applicant or planning commission. If the use discontinues for a period of greater than 120 days the permit shall be considered invalid and revoked.
- C. Building Permits: Building permits shall expire within six (6) months if construction has not commenced, and within 2 years if construction has not been completed.
- D. Variance: Where no building or construction is involved, approvals for the use of the property for which the Variance is issued shall expire within 6 months if not begun.

Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within six (6) months or completed within two (2) years, the approvals shall expire.

Section 2.05.0. Fees

The City of Pocahontas shall impose fees for items covered by the Zoning Code according to a schedule adopted by the City Council.

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

Section 3.01.0. Administrative Official

The provisions of this Code shall be administered by the Administrative Official, which shall be a person or persons designated by the Mayor. The Administrative Official may be provided with the assistance of such other persons as directed by the Mayor. Decisions by the Administrative Official may be appealed to the Board of Adjustment. The Administrative Official shall keep records of all permits issued or denied, all certificates of occupancy issued or denied, and all violation complaints received along with action taken on violation complaints.

The Administrative Official shall enforce the provisions of this Code, and in addition shall have authority to:

- A. Examine and approve any application pertaining to the use of land, buildings, signs, or structures to determine if the application conforms to the provisions of this Code.
- B. Issue or deny building permits and certificates of occupancy based upon compliance with this Code and other applicable codes. Written notice stating the reasons for denial will be provided with any building permit or certificate of occupancy that is denied.
- C. Issue all zoning approvals.
- D. Conduct inspections of buildings, structures, and use of land as is necessary to determine compliance with the regulations of this Code.
- E. Revoke approvals where provisions of this Code are being violated.

Section 3.02.0. Building Code

All fabrication, erection, construction, enlargement, alteration, repairs of buildings or structures shall meet the Arkansas Fire Prevention Code or other applicable state and city building codes.

Section 3.03.0. Building Permit

The City will issue a building permit for either the new construction or renovation of a building or structure within the corporate limits of the City of Pocahontas only when the application has been approved by the Administrative Official as meeting the requirements of these regulations. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

All applications for building permits shall be accompanied by a plot plan, submitted in two copies, drawn to scale, showing the size and location of the building to be constructed, indicating the setbacks from perimeter property boundary lines, proposed off-street parking, and such other information as may be necessary to provide for the proper administration of these regulations. A record of such application and plot plan shall be filed with the Administrative Official.

Section 3.04.0. Certificate of Occupancy

No building erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the Administrative Official, stating that the building or proposed use of a building or premises complies with the provisions of these regulations. The Administrative Official shall maintain a record of all Certificates of Occupancy.

A Certificate of Occupancy may be revoked by the Administrative Official when it is found that the building or land does not conform to the use or condition, if any, in the Certificate. Each day a use continues after revocation of the Certificate shall constitute a separate offence and shall be punished as provided herein.

It shall be unlawful for any public or private utility to connect utility service to a building hereinafter erected or structurally altered for which a Certificate of Occupancy has not been issued and evidence of such issuance delivered to the public or private utility.

Section 3.05.0. Violations

3.05.01. Enforcement Responsibilities

- A. If the Administrative Official shall find that the provisions of these regulations are being violated, (s)he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- B. Should the person responsible for such violations fail to take the necessary action to correct it, the Administrative Official shall notify the City Attorney, and the City Attorney shall within ten (10) days apply for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis of the complaint, and shall be filed with the Administrative Official. (S)he shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

3.05.02. Penalty for Violation

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply with any of the requirements, or who shall build or alter any building in violation of the detailed statement of plans submitted and approved hereunder shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part of a building/premises, where anything in violation of these regulations shall be placed, or shall exist; and any architect, builder, contractor, agent, engineer, person, or other corporation employed in connection with and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction shall be fined.

ARTICLE IV. ZONING DISTRICTS AND BOUNDARIES

Section 4.01.0. Zoning Districts Established

For the purpose of these regulations, the City is divided into the following zoning districts:

R-1	Low Density Residential
R-2	Medium Density Residential
R-3	Apartment Residential
R-MH	Manufactured Home Residential
A-1	Agricultural
C-1	Downtown Commercial
C-2	General Commercial
I-1	General Industrial
I-A	Airport Industrial

Section 4.02.0. Zoning Districts Map

The location and boundaries of the Zoning Districts are shown on a map designated as the “Official Zoning Map” of the City of Pocahontas, dated and signed by the Mayor. The map and all its contents are a part of the Zoning Code and may be called the Zoning District Map or the Official Zoning Map in this code. The Official Zoning Map is kept and maintained by the City Clerk at City Hall. It is available for review and access by the public during the normal business hours of City Hall.

Section 4.03.0. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries that appear to follow the centerline of a street, highway, or alley shall be interpreted to follow those centerlines.
- B. Boundaries that appear to follow a property line shall be interpreted to follow the property line.
- C. Boundaries that approximately follow the city limits shall be interpreted to follow the city limits.
- D. Boundaries that appear to follow a section line or fractional section line shall be interpreted to follow such lines.
- E. Boundaries that appear parallel to a feature in this list shall be interpreted as such.

- F. In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

Section 4.04.0. Relationship to Comprehensive/Land Use Plan

Zoning designations changed after October __, 2015 shall conform to the city’s adopted land use plan. If a proposed rezoning conflicts with the land use plan, the applicant must first request an amendment to the land use plan. The planning commission may allow the submission of a request for plan change simultaneously with a request for the rezoning of a parcel or parcels.

Section 4.05.0. Determination of Uses Not Listed

When a use is not specifically listed as a permitted or conditional use within a particular zoning district, the Planning Commission shall determine if the use is substantially similar in its character and external impacts to the already listed permitted and conditional uses. If the use can be determined to be substantially similar in its character and external impacts, it may be treated as a conditional use. If the use is not listed as permitted and cannot be determined to be substantially similar in its character and external impacts, it shall be considered prohibited.

Section 4.06.0. Completion of Existing Buildings

Nothing in these regulations shall require any change in plans, construction, or designated use of a building under construction at before October __, 2015.

Nothing in these regulations shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to October __, 2015, provided construction is started before the expiration of the building permit.

For lands annexed into the City of Pocahontas after October __, 2015, nothing in these regulations shall require any change in plans, construction, or designated use of a building under construction. This shall also apply to any building, not yet under construction, for which a valid building permit exists that was issued by Randolph County.

Section 4.07.0. Preservation of Minimum Lot Areas

Unless by a variance, no lot or yard area, or other open space, or off-street parking or loading space required may be reduced in dimension or area below the minimum requirements of the Zoning Code. No lot or division of property shall be approved that will result in a lot size or yard area reduced below the minimum requirements of this Code.

Section 4.08.0. Principal Structure on Lots

In residential districts only one principal structure and its customary accessory structures may be erected on any lot unless otherwise provided in this Code.

Accessory structures with sinks, cook stoves, other kitchen facilities, and bathroom facilities designed for the independent occupancy of a structure shall be considered evidence that the structure is not an accessory structure but a separate dwelling.

Section 4.09.0 Existing Lots and Lot Area

Any single lot or platted parcel of land, which was officially recorded prior to October __, 2015, that does not meet the requirements of minimum lot width or area specified for the zoning district in which it is located may be utilized for a permitted use without approval of the Board of Adjustment. The required yards, courts, or usable open spaces shall not be reduced to less than seventy-five (75) percent of the dimensions required in the zoning district.

Any single lot or platted parcel of land which was built upon such that the building setback, yards, open space, building height, or location of parking or loading spaces, do not now comply with the requirements for the District in which it is located, may be utilized for a permitted use without approval of the Board of Adjustment. The required yards, courts, or usable open spaces shall not be reduced to less than seventy-five (75) percent of the dimensions required in the zoning district.

Section 4.10.0. Annexed Lands

4.10.01. Boundaries

Any land annexed into the City of Pocahontas shall be required to include all of the adjacent and abutting street right-of-way or easement.

4.10.02. Classification of Annexed Lands

The zoning district classification(s) of any new additions and annexations of land to the City of Pocahontas after adoption of these regulations shall be established in one of two ways;

- A. This method shall apply only to annexations by petition. The petitioner(s) for annexation may request specific zoning classifications as a part of the petition for annexation. In this event, the City Council shall direct the Planning Commission to study and make recommendation regarding the proper zoning classification of the lands under consideration for annexation. The procedures governing amendments to the Official Zoning Map in Section 13.04.0 shall be followed. If no request for a specific zoning classification is requested, the provisions of Section 4.10.02, item b, in the following shall apply.
- B. This method shall apply to all annexations by ordinance and annexations by election. It may also apply to annexations by petition; if no specific zoning classification is requested by the petitioner(s). Annexed lands shall automatically be classified as (R-1) Low Density Residential. If the R-1 designation conforms to the future land use classification for the property as shown on the City's Comprehensive Plan, no further action shall be required. If the R-1 designation does not conform to the future land use classification for the property on the City's Comprehensive Plan, the R-1 zoning shall only be valid for one (1) year from the time of annexation. Within one (1) year of annexation, the Planning Commission shall study and make recommendations concerning the zoning of the annexed area. The procedures governing amendments to the Zoning Districts Map at Section 13.04.0 shall be followed. The recommendations must conform to the City's Comprehensive Plan, or separate action shall be required to amend the City's Comprehensive Plan.

Section 4.11.0. Building in Flood Hazards Areas

4.11.01. Floodways

No new buildings of any type shall be permitted in the regulatory floodway (as determined by the U.S. Army Corps of Engineers) of any stream or water body which may cause damaging increases in flood heights or other nuisances.

4.11.02. Floodplains

Construction is allowed in the floodplain as long as construction meets the requirements of the city's Flood Damage Prevention Code.

ARTICLE V. RESIDENTIAL DISTRICTS

Section 5.01.0. Purpose of Each District

5.01.01. Low Density Residential (R-1)

The R-1 District is intended to provide for quiet, low density residential areas characterized by single-family homes and the supporting religious, recreational, educational, and institutional uses for an attractive, functional neighborhood.

5.01.02. Medium Density Residential (R-2)

This is a residential district of the same general type and character as that described above for the R-1 District, containing many of the same requirements and restrictions as applicable to the R-1 District, but allowing for a diversity of housing types. The principal uses of land are for single-family and two-family homes, all supported by necessary facilities normally required to provide the basic elements of a balanced and attractive residential neighborhood.

5.01.03 Apartment Residential (R-3)

The R-3 District provides for quiet, medium to high density residential areas characterized by a diversity of housing types. This district includes development ranging in density from single-family homes to large scale apartment complexes. It is intended to allow and encourage affordable housing and housing choice through a diversity of housing options.

5.01.04. Manufactured Home Residential (R-MH)

This district encourages affordable housing of varied types in specified locations within the city. The district is characterized by site-built housing and manufactured homes placed on individual lots with uniform design guidelines imposed to maintain neighborhood harmony and consistency in appearance. This district is also intended to provide for manufactured home subdivisions as well as manufactured home parks.

Section 5.02.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

“P” means that the listed use is permitted by right in that district.

“CU” means that the listed use is permitted subject to approval as a conditional use per the requirements of Article XIV.

“X” means that the use is prohibited.

RESIDENTIAL DISTRICTS

<i>Permitted Uses</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-MH</i>	<i>Special Conditions</i>
A. Residential					
Accessory Buildings and Uses	P	P	P	P	9.01.0
Single-Family Dwelling	P	P	P	P	
Two-Family Dwelling	X	P	P	X	
Three/Four-Family Dwelling	X	X	P	X	
Apartment Dwelling	X	X	P	X	
Mobile Home	X	X	X	X	
Manufactured Home	X	X	X	P	9.08.0
Manufactured Home Park	X	X	X	CU	9.07.0
Townhouse	X	P	P	X	
B. Commercial					
Bed & Breakfast	CU	CU	CU	CU	
Home Day Care (less than 6)	P	P	P	P	9.04.0
Child Care Center/Adult Daycare	X	X	X	X	9.03.0
Home Occupation	P	P	P	P	9.06.0
C. Community Facilities and Public Utilities					
Church or other place of worship	P	P	P	P	
Club or lodge, private	CU	CU	CU	CU	
Community building, public	P	P	P	P	
Public Utilities	P	P	P	P	
Establishment for care of alcoholic, drug, or psychiatric patients	X	X	X	X	
Half-way House	X	X	X	X	
Hospital, health center, institution for aged or children, and extensions or additions to existing	X	CU	CU	CU	
Library	P	P	P	P	
Nursing or rest home and extensions or additions to existing ones	X	CU	CU	X	

<i>Permitted Uses</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-MH</i>	<i>Special Conditions</i>
Park or playground	P	P	P	P	
School, public, parochial, or private non-profit	P	P	P	P	
D. Agricultural					
Animal husbandry, dairying, and pasturage	CU	CU	CU	CU	
Field crops, floriculture, greenhouses, horticulture, nursery truck gardening or viticulture, but not including retail sales on the premises – Gardens under 2 acres are permitted in all districts	CU	CU	CU	CU	
E. Other					
Other similar uses, not specifically listed above	CU	CU	CU	CU	4.05.0

Section 5.03.0. Lot, Yard and Height Requirements

Every building and use hereafter erected or located in a residential district shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

RESIDENTIAL LOT, YARD & HEIGHT REQUIREMENTS

<i>Zoning District</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Setback Requirements</i>				<i>Max. Height</i>
			<i>Front</i>	<i>Side</i>	<i>Side-Street</i>	<i>Rear</i>	<i>Feet</i>
R-1	Single-Family: 7,000 sq. ft.	Single-Family: 60 ft.	20 ft.*	10 ft.	15 ft.*	10 ft.	48 ft.
R-2	Single-Family: 7,000 sq. ft.; Two-Family: 9,000 sq. ft.;	Single-Family: 60 ft.; Two-Family: 70 ft.;	20 ft.*	10 ft.	15 ft.*	10 ft.	48 ft.
R-3	Single-Family: 7,000 sq. ft.; Multi-Family: 9,000 sq. ft. + 2,000 sq. ft. for each unit over 2	Single-Family: 60 ft.; Two-Family: 70 ft.; Multi-Family: 90 ft.	20 ft.*	10 ft.	15 ft.*	10 ft.	48 ft.

Zoning District	Minimum Lot Area	Minimum Lot Width	Setback Requirements				Max. Height
			Front	Side	Side-Street	Rear	Feet
R-MH	Single-Family: 7,000 sq. ft. Manufactured Home Park: 5 acres	Single-Family: 60 ft. Manufactured Home: 50 ft.	20 ft.*	5 ft.	15 ft.*	20 ft.	48 ft.
All R Districts	Places of Public Assembly, Places of Worship, Educational Facilities: 15,000 sq. ft.	100 ft.	25 ft.	25 ft.	25 ft.	25 ft.	48 ft.

Notes: Existing platted lots of records that do not meet the above requirements may be used subject to Section 4.09.0.

*When a majority of the lots on one side or street face of a block have existing principal structures on them and those structures do not meet the minimum required front setback or side-street setback, the required setback may be reduced. In such cases, the setback of all the structures on the street face of the block (no more than 6 lots) may be measured to determine the average setback. This calculated front setback may be used as the front or side-street setback line for any new construction or expansion of existing structures.

Section 5.04.0. Parking

The parking regulations for this district are handled in Article XI.

ARTICLE VI. COMMERCIAL DISTRICTS

Section 6.01.0. Purpose of Each District

6.01.01. Downtown Commercial District (C-1)

The C-1 District is the designation for the historic center of the community. A variety of retail, wholesale, professional, and governmental functions have developed in the district over the lifetime of the city's history. The intent of the district is to encourage a diverse uses and building forms that sustain the historic character of downtown Pocahontas. This district is not intended to be used in or expanded to areas beyond Pocahontas's traditional downtown.

6.01.02. General Commercial District (C-2)

This district is intended to serve the retail, office, and business needs of the community by providing for the compatible and convenient location of commercial establishments. The uses of this district are intended to serve both the needs of local residents and that of through highway traffic.

Section 6.02.0. Permitted Uses

The permitted uses in each of the commercial districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a commercial zoning district, shall have these meanings:

"P" means that the listed use is permitted by right in that district.

"CU" means that the listed use is permitted subject to approval as a conditional use per the requirements of Article XIV.

"X" means that the use is prohibited.

COMMERCIAL USES

<i>PERMITTED USES</i>	<i>C-1</i>	<i>C-2</i>	<i>Special Conditions</i>
Adult Day Care	P	P	9.12.0
Appliance sales and service	P	P	9.12.0
Automotive accessory and supply store	P	P	9.12.0
Automotive, boat, and truck sales, rental, and service	X	P	
Automotive repair and service station	X	P	9.05.0
Automotive car wash	X	P	
Automotive service station, not including body or motor repair or painting	CU	P	9.05.0
Bank and other financial institutions	P	P	9.12.0
Bed and Breakfast	P	P	9.12.0
Building supplies, including sale of lumber	X	CU	
Carnival, circus or similar temporary amusement enterprise	P	P	

PERMITTED USES	C-1	C-2	Special Conditions
Carting, crating, express hauling, moving or storage	X	X	
Child Care Center	P	P	9.03.0 9.12.0
Clinic, Medical or Dental	P	P	9.12.0
Club or lodge	P	P	
Cold storage plant	CU	X	
Commercial/Office – Shopping Center or Large Retailer (10,000 sf or larger)	X	P	
Commercial/Office – Small Scale Office and Retail (10,000 sf or smaller)	P	P	9.12.0
Dry cleaners	P	P	9.12.0
Dwelling – Multi-family, Single-family	CU	CU	
Establishment for care of alcoholic, drug or psychiatric patients/Half-way House	X	CU	
Farm equipment sales and service	X	P	
Feed and fertilizer sales	X	P	9.05.0
Funeral home, mortuary or undertaking establishment	P	P	9.12.0
Furniture and home furnishings repair and sales	P	P	9.12.0
Hotel/Motel	P	P	9.12.0
Hospital	P	P	9.12.0
Free-Standing Vending Machine	X	CU	
Junk Yards and/or Hazardous Materials use or storage	X	X	9.02.0
Kennel	X	P	
Live/Work Unit	CU	CU	9.11.0 9.12.0
Loft Dwelling	P	CU	9.12.0
Mini-storage	X	CU	
Manufactured home sales and service	X	P	
Museum	P	P	
Nursing Home	P	P	9.12.0
Open Display Commercial/Outdoor Display Commercial	X	P	
Parks	P	P	
Place of Public Assembly	P	P	
Place of Worship or Church	P	P	
Public Utilities	P	P	
Recreation or amusement center	CU	P	
Recreational Vehicle or Travel Trailer Park	X	CU	
Restaurant, Sit-down	P	P	9.12.0
Restaurant, Drive-thru	X	P	
School	P	P	9.12.0
Storage Container Sales and Rental	X	P	9.14.0

PERMITTED USES	C-1	C-2	Special Conditions
Veterinarian, animal clinic	CU	P	9.12.0
Warehousing, inside storage only – non-combustible	P	P	9.12.0
Warehousing, packaged products – non-combustible	P	P	9.12.0
Wholesale establishment	P	CU	9.12.0
Temporary structures for construction and/or sales operations	P	P	2 Yr. Max.
Other similar uses, not specifically enumerated above, but determined by the Commission to be consistent with the character and requirements of the district.	CU	CU	4.05.0

Section 6.03.0. Lot, Yard and Height Requirements

Every building and use hereafter erected or located in a residential district shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

LOT, YARD & HEIGHT REQUIREMENTS

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 residential district. In addition, all exterior lighting shall be designed and directed such that it will not project into adjacent residential districts.				25 ft.	25 ft.	25 ft.	35 ft.	35 ft.

Auto Service Station, Car/Boat Sales, Farm Equip. Sales	10,000 sq. ft.	100 ft. at street	50%	25 ft.	10 ft.*	25 ft.	15 ft.*	35 ft.
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#Note: Buildings in C-1 are required to be built up to the edge of the front property line.

Section 6.04.0. Parking

The parking regulations for these districts are handled in Article XI. Parking regulations shall not apply for the C-1 district.

ARTICLE VII. INDUSTRIAL DISTRICTS

Section 7.01.0. Purpose of Each District

7.01.01. General Industrial (I-1)

As this industrial district is often located in proximity to residential districts, its principal purpose is to permit the operation of industries, trades, and services that can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts. Thus, it is intended primarily for the conduct of light manufacturing, assembling, and fabrication and for warehousing, wholesaling, and service uses, conducted by operations which are primarily carried on within enclosed buildings having adequate land area for parking and landscaping and with adequate safeguards for safety and aesthetics.

7.01.02. Airport Industrial (I-A)

This district is intended to provide areas for compatible industrial development surrounding the Pocahontas Municipal Airport. It is intended primarily for the conduct of manufacturing, assembling, and fabrication and for warehousing, wholesaling, and service uses, conducted by operations which are primarily carried on within enclosed buildings having adequate land area for parking and landscaping and with adequate safeguards for safety and aesthetics.

Section 7.02.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

- “P” means that the listed use is permitted by right in that district.
- “CU” means that the listed use is permitted subject to approval as a conditional use as set forth in Article XIV.
- “X” means that the use is prohibited.

INDUSTRIAL USES

PERMITTED USES	I-1	I-A	Special Conditions
Accessory Buildings and Uses	P	P	9.01.0
Agricultural Products Processing	P	CU	
Bulk Storage of Highly Flammable Materials	CU	X	9.05.0
Contractor or Utility Equipment Parking/Storage Yard	P	X	
Dwellings – All Residential	X	X	
Foundry and Metal Works	CU	CU	
Fertilizer Plant	CU	CU	9.05.0
Grain Elevator or Feed Mill	CU	X	9.05.0
Junk or Salvage Yard	CU	X	9.02.0
Lumber Yard or Sawmill	P	X	

PERMITTED USES	I-1	I-A	Special Conditions
Machine or Welding Shop	P	P	
Manufacturing	P	P	
Places of Worship and Churches	P	P	
Printing and Publishing	P	P	
Processing and Assemblage	P	P	
Public Utilities	P	CU	
Recycling and Reclamation	CU	CU	
Sand, Gravel or Earth Sales and Storage	P	X	
Sanitary Landfill	CU	X	
Stone, Sand, or Gravel Extraction/Mining	X	X	
Storage Container Sales and Rental	CU	X	9.14.0
Taxidermy	P	CU	
Tool and Equipment Rental (Inside or Outside)	P	CU	
Water/Sewage Treatment Plant	P	P	
Warehousing and Wholesaling	P	P	
Temporary structures for construction	P	CU	
Other Industrial Uses not expressly provided for, unless otherwise prohibited by law	CU	CU	4.05.0

Section 7.03.0. Lot, Yard and Height Requirements

Every building and use hereafter erected or located in a residential district shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

Zoning District	Minimum Lot Area	Minimum Lot Width	Building Site Coverage	Setback Requirements				Maximum Height
				Front	Side	Side-Street	Rear	
I-1/I-A	10,000 sq. ft.	100 ft.	33%	50 ft.	25 ft.*	25 ft.	35 ft.*	45 Ft.
*I-1/I-A Properties Adjacent to R Districts								
Visual screening of at least 6 ft. in height is required for those portions of the industrial property adjacent to the residential district.				50 ft.	50 ft.	25 ft.	50 ft.	45 ft.

Section 7.04.0. Performance Standards

Any industrial use established in the City of Pocahontas after the effective date of these regulations shall conform to the performance standards as set forth hereunder:

7.04.01. Physical appearance

The outdoor display of merchandise or vehicles of resale is prohibited except when in operable condition. The outdoor storage of merchandise, vehicles, equipment shall be suitably screened by a fence at least six feet (6') in height through which said materials, equipment, merchandise, and vehicles cannot be seen from the street.

7.04.02. Flammable or explosive materials

Any operation which involves the storage or use of highly flammable gases, acid, liquids, grinding processes or other inherent fire or explosive hazards shall provide evidence that such storage or use is in conformance with all relevant regulations and requirements of the State Fire Marshall and/or relevant federal regulations.

All outdoor storage facilities for fuel, raw materials, and products used in the manufacturing process or stored as inventory shall be enclosed by a solid fence or wall adequate to conceal such facilities, fuel, raw materials and products from adjacent residential and business districts; provided, however, that such fence or wall need not exceed ten feet (10') in height.

7.04.03. Sewage and Liquid Waste

No operation shall be carried on which involves the discharge into a sewer, water course or on the ground of liquid wastes of any nature, which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations, or polluting to any water course above that level of pollution certified as acceptable by the Arkansas Department of Environmental Quality.

All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

7.04.04. Odor

The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

7.04.05. Vibration

All machines including punch presses and stamping machines shall be mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch measured at the lot line. The use of steam or broad hammers shall not be permitted.

7.04.06. Glare and Heat

All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the lot line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.

Section 7.05.0. Parking

The parking regulations for this district are handled in Article XI.

ARTICLE VIII. SPECIAL DISTRICTS

Section 8.01.0. Purpose of Each District

8.01.1. Agricultural (A-1)

The Agricultural District is created to prevent premature urban development of certain lands that eventually will be appropriate for urban use, until the installation of streets, utilities, and community facilities make orderly development possible. The Agricultural District is intended for agricultural uses with accompanying single-family residences as well as incidental accessory uses.

Section 8.02.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

- “P” means that the listed use is permitted by right in that district.
- “CU” means that the listed use is permitted subject to approval as a conditional use as set forth in Article XIV.
- “X” means that the use is prohibited.

AGRICULTURAL DISTRICTS

<i>PERMITTED USES</i>	<i>A-1</i>	<i>Special Conditions</i>
Accessory Buildings and Uses	P	9.01.0
Agriculture	P	
Aircraft Landing Strips	CU	
Animal Husbandry and Veterinary Hospitals	P	
Aquaculture	CU	
Automobile Wrecking or Salvage Yard	X	9.02.0
Bed and Breakfast	CU	
Cemetery (>20 acres)	P	
Child Care Centers	X	
Contractor or Utility Equipment Parking/Storage Yard	X	
Dwelling – Manufactured Home	X	
Dwelling – Single-Family Home	P	
Dwelling – Two, Three, Four, and Apartment Residential	X	
Home Occupation	P	9.06.0
Junk Yards and/or Hazardous Materials Use or Storage	X	
Parks	P	

PERMITTED USES	A-1	Special Conditions
Place of Worship or Church	P	
Public Buildings and Structures (including hospitals)	P	
Public Utilities	P	
Vegetable Stands	P	

Section 8.03.0. Lot, Yard, and Height Requirements

Every principal permitted use hereafter erected or located shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, silos, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

Zoning District	Minimum Lot Area	Minimum Lot Width	Setback Requirements				Maximum Height
			Front	Side	Side-Street	Rear	
A-1	3 acres	100 ft.	30 ft.	30 ft.	30 ft.	45 ft.	35 ft.

Section 8.04.0. Parking

The parking regulations for this district are handled in Article XI.

ARTICLE IX. USE STANDARDS AND SPECIAL PROVISIONS

Section 9.01.0. Accessory Buildings

Accessory buildings are subject to the following setbacks:

Setback Requirements			
Front	Side	Side-Street	Rear
Same as Zoning District Or Not Permitted in R and C Districts	10 ft.	Same as Zoning District	10 ft.

- A. In all Residential and Commercial Districts no accessory building may be placed closer to the street edge than the front of the primary structure.
- B. In all Residential Districts, or in any Zoning District in which the property is used primarily for residential purposes, a detached accessory building shall be located more than ten (10) feet from the principal building on the property, except when the accessory building has a one hour fire rating wall on the side nearest the residentially used building.
- C. Accessory buildings shall be clearly incidental to the main building on the lot. Accessory buildings shall not cover more than thirty (30) percent of the rear yard area behind the main structure.

Section 9.02.0. Automobile Wrecking and Junk Yards

9.02.01. General

Because of the nature of their operations and the noise, dust, traffic, and health hazards they may create, salvage yard shall adhere to the subsequent regulations:

9.02.02. Standards

- A. *Location:* Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than eight hundred (800) feet to any established residential zoning district.
- B. *Screening:* All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from not less than eight feet (8') to not more than twelve feet (12') in height. Fencing must be approved by the planning commission. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good

condition. The fence shall be installed around each junk yard at the time the use is established or within six (6) months of annexation.

- C. *Ingress and Egress:* The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a State or Federal highway shall be regulated by the Arkansas Highway & Transportation Department.

Section 9.03.0. Child Care Centers

Requirements applying to Child Care Centers are as follows:

- A. Child Care Centers are required to obtain a permit before beginning operations.
- B. Each permit issued for a Child Care Center shall be accompanied by a scaled site plan and shall include the following:
 - 1. Owners Name, address, and telephone number
 - 2. North Arrow
 - 3. Scale
 - 4. Accurate Shape and dimension of the lot or site
 - 5. Lengths of all property lines
 - 6. Roads and rights-of-ways-labeled, both public and private
 - 7. Parking areas, driveway location and any intersections with roads
 - 8. Label all existing structures
 - 9. Locations and dimension of all structures and distances of each to property lines
- C. All Child Care Centers shall be located on a lot large enough to meet city codes and state requirements, and all portions of said lot used for outdoor play space shall be fenced with a fence six feet in height.
- D. Child Care Centers shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- E. Child Care Centers shall provide one paved parking space for each employee at the center at any one time, plus two additional paved parking spaces.
- F. Child Care Centers shall provide one off-street parking space for the loading and unloading of children.

Section 9.04.0. Home Day Cares

Requirements applying to Home Day Cares are as follows:

- A. Home Day Care operations shall be operated by the resident of the structure.
- B. Home Day Care operations shall be operated on a lot meeting city codes and State of Arkansas licensing regulations. All portions of the lot used for outdoor play space shall be fenced with a fence at least 6 feet in height.
- C. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the facility shall be operated in such a manner that it will not adversely affect other properties in the area.

Section 9.05.0. Flammable Liquids and Gases

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code and be approved in writing by the Pocahontas Fire Marshal or Chief. Tanks for the storage of flammable liquids and gases in excess of 250 pounds shall be allowed only for Commercial and Industrial use, except where natural gas service is not provided.

Section 9.06.0. Home Occupations

An occupation may be carried on in a residential structure only if:

- A. A home occupation is permitted within the zoning district where the structure is located.
- B. It does not involve the use of commercial vehicles operating from the residence.
- C. It is clearly secondary to the dwelling purpose of the structure and does not involve a change in the residential character or appearance of the structure.
- D. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses. When a State Statute or Regulation requires the operation of an occupation separate from the living quarters, an accessory structure may be utilized with the approval of the Board of Zoning Adjustment.
- E. The business, occupation, or profession does not occupy more than 25 percent of the gross floor area of one floor of the structure.
- F. It does not involve the external display of goods and services.
- G. The business, occupation, or profession shall be solely conducted by a person, or persons, residing in the structure.
- H. It meets the definition of "Home Occupation," as defined in Article XVI.

- I. The following professions are allowed by-right, all others require approval of a conditional use permit.
 1. Custom dressmaking, tailoring, sewing, or barber/beauty shop;
 2. Crafting-making that does not involve heating, refining, or similar processes;
 3. Fine arts studio;
 4. Professional office – excluding medical, dental, or chiropractic;
 5. Teaching, tutoring, or lessons – limited to one student at a time;
 6. On-line retail sales.
- J. It does not involve automobile repair, appliance repair, heavy equipment repair, kenneling of animals, or veterinary surgery

Section 9.07.0. Manufactured Home Parks

All new manufactured home parks that are established or existing manufactured home parks which are expanded after the effective date of these regulations shall comply with all of the requirements and standards contained in this section.

9.07.1. Permitted District Locations

Manufactured Homes Parks shall be permitted only in the Manufactured Home Residential (R-MH) zone through the conditional use permit process.

9.07.2. Development Standards

The Manufactured Home Park shall conform to the following standards:

- A. A manufactured home park shall contain a minimum of five (5) acres.
- B. There shall be a maximum of six (6) manufactured homes per gross acre.
- C. Only one (1) manufactured home may be located on a manufactured home site as designated by the required lot size and yard areas.
- D. A site development plan shall be submitted to the Planning Commission showing the area and dimensions of the tract of land; the number, locations and size of all manufactured home spaces; the location and width of roadways, walkways, and recreational areas; and the location of service buildings and other proposed structures. If approved, the development shall conform to the site development plan and violation of the plan shall nullify the permit. Existing facilities or rented spaces shall not be expanded without prior consent of the Planning Commission.
- E. Any manufactured home located in this district shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured Housing Commission.

- F. A manufactured home moved into the city shall be new and under warranty or inspected by the city's Administrative Official prior to being moved on site to ensure the dwelling will be inhabitable in a safe manner.

9.07.3 Design

- A. Lot Size: Each manufactured home space shall contain a minimum of 4,500 square feet of site area. Each manufactured home space shall have a minimum width of fifty (50) feet.
- B. Manufactured Home Space: Each manufactured home space shall be provided a concrete slab for anchoring the manufactured home. The slab shall be large enough to accommodate a multi-sectional manufactured home.
- C. Yard Areas: A manufactured home space shall have yard setbacks of not less than ten (10) feet on all sides.

There shall be a minimum distance of twenty-five (25) feet between manufactured homes.

- D. Parking and Streets: A minimum of two (2) improved off-street parking spaces shall be provided per manufactured home space, each nine (9) feet by twenty (20) feet.

All manufactured home spaces shall abut a hard-surfaced driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street. The driveways will consist of two inches of asphalt over a six-inch gravel base.

- E. Utilities: Each manufactured home space shall be provided with sanitary sewer and water service as required by the Codes of the City of Pocahontas.

Utility services to each manufactured home space shall be in conformance with the subdivision regulations of the City of Pocahontas.

A 200 amp electrical service shall be provided for each manufactured home space.

- F. Screening: Adequate landscaping shall be provided, including trees and shrubs, around the perimeter of the manufactured home park. Landscaping shall be site obscuring, with a minimum of six (6) foot screening.

Additional fencing and landscaping may be required by the Planning Commission as part of a Conditional Use Permit for a manufactured home park.

- G. Accessory Structures: The only accessory structure permitted shall be a storage building with a maximum size of ten (10) feet by ten (10) feet, and a garage for the storage of motor vehicles, both of which must meet the yard area requirements.

9.07.4. Review Procedure

The Commission shall review all proposals for Manufactured Home Park design using the Conditional Use procedures of Article XIV of these regulations.

Section 9.08.0. Manufactured Homes and Dwellings in the R-MH District

All single-family dwellings and manufactured homes in the R-MH district except those within a manufactured home park are subject to the following standards:

- A. Dwellings shall have a minimum width or length of 25 ft. on any side.
- B. Dwellings shall be oriented such that the front door of the structure faces the street.
- C. All dwelling units that do not have a built-in front porch as part of the structure shall have a covered front landing, accessible by stairs with handrails, if necessary. The landing shall be at least six feet by six feet and oriented to the front yard.
- D. Dwellings shall be constructed with a type of siding that is consistent with other homes in the general vicinity.
- E. Roofs shall be sloped (4/12) and shingled.
- F. Any transportation elements including axles and hitches shall be removed from the structure.
- G. Units shall be set up and anchored in accordance with regulations set forth by the Arkansas Manufactured Home Commission, if applicable.
- H. Units shall have a solid masonry or concrete perimeter foundation around the base of the perimeter of the structure.
- I. The dwelling will be the principal structure on the lot.
- J. Dwellings moved into this zoning district shall be new and under warranty or inspected by the city's Administrative Official prior to being moved on site to ensure the dwelling will be inhabitable in a safe manner based upon the following standards:
 - 7. All roofing material shall be secure without gaps or damaged shingles;
 - 8. All windows shall be operative without broken panes or damaged trim or screening;
 - 9. All exterior siding shall be in place and undamaged with no dents, tears, or burned sections;
 - 10. All kitchen and bathroom facilities shall be fully operational and all mechanical equipment in good working order;
 - 11. Any attached gutters shall be secure and functional;
 - 12. All cornice materials shall be in place and undamaged;
 - 13. Paint shall be uniform and unblemished;

- 14. Doors shall be plumb and fully operational;
- 15. Flooring shall be structurally undamaged and secure.

Section 9.09.0. Recreational Vehicle Trailers and Camping Trailers

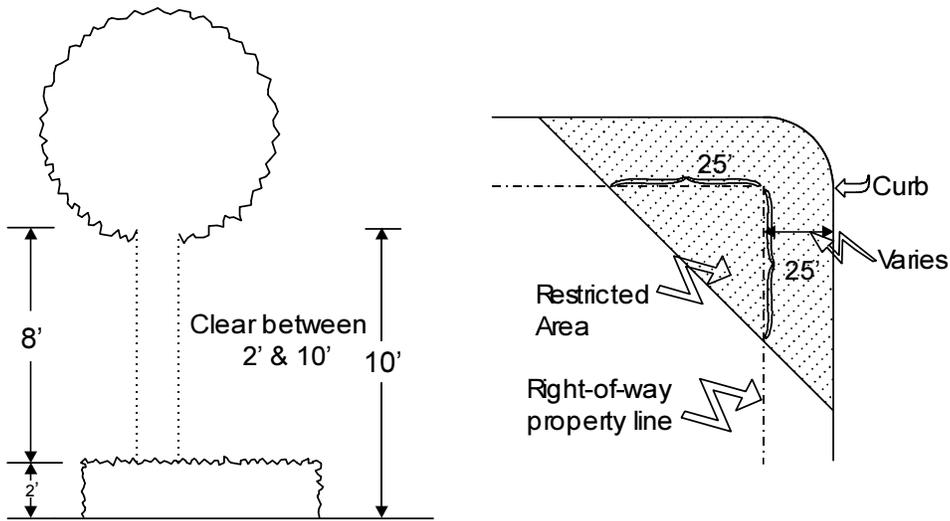
9.09.01. Occupancy Prohibited.

A camping or travel trailer shall not be occupied:

- A. Permanently at any time while it is parked or stored in any area within the incorporated limits;
- B. Or more than fourteen (14) days unless it is parked in a designated and permitted recreational vehicle travel park or as expressly approved for a construction site.

Section 9.10.0. Visibility at Intersections

On a corner lot in any district except C-1, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two feet (2') and ten feet (10') above the centerline grade of the intersecting street in the area bounded by the street right-of-way lines of such corner lot and a line joining points along said streets rights-of-way lines twenty-five feet (25') from the point of intersection. Graphic illustration of this requirement is provided below.



Section 9.11.0. Live/Work Units

The establishment of Live/Work Units shall be allowed under the conditional use provisions of Article XIV in the Commercial Districts. Live/Work Units shall also be subject to the following requirements and standards:

- A. Residential use of the structure and property shall be clearly secondary or accessory to the commercial use of the structure.

- B. The residents of the Live/Work Unit shall be limited to one family unit which must include the owner or employee of the commercial use within the structure.
- C. The commercial use of the property must be otherwise allowed in the District, but shall not include sexually oriented businesses or warehousing.
- D. The commercial portion of the structure must be contained at least in part on the first floor of the structure and be accessed from the front façade of the building facing the street.
- E. The front façade of the structure must be maintained to appear commercial in nature.
- F. The commercial and residential portions of the building shall be physically separated, with those portions of the structure accessible to the public occupied by commercial space.
- G. The residential portions of the structure must have separate kitchen and sanitary facilities.
- H. All portions of the structure must the requirements of the Arkansas State Fire Prevention Code.

Section 9.12.0. Commercial Design Standards in C-1

All commercial structures built after adoption of this code within the C-1 district shall have its front and side building façades clad in wood, masonry, rock, exterior insulations finish systems (EIFS), glass, pre-cast concrete, tile, stucco, Aluminum Composite Panels (ACP), or similar architectural material. No front façade shall be allowed to be constructed of only corrugated metal. Use of other materials shall require approval of the planning commission.

Section 9.13.0. Storage Containers

9.13.1 Prohibition.

Storage containers are prohibited at any location except where permitted for temporary use or when provided for sale or rent. See Section 9.14.0 regarding sales or rental of storage containers.

9.13.2 Temporary Use.

A storage container may be allowed as an accessory structure for temporary use in the following instances:

- A. Construction: A storage container may be utilized for the temporary storage of building materials and tools so long as there is active construction of a residential or commercial building on the tract of property upon which the container is to be placed. A permit is required and placement is allowed for up to 3 months after the permit is issued. The storage container must be moved once the permit expires. A permit may be extended to allow placement for a longer period. The permit may be extended by the Administrative Official to allow placement for up to 9 months. Extension beyond 9 months shall require city council approval. The permit shall expire on the date listed on the permit or 30 days after the construction on the site ceases, whichever is first. The permit must be displayed on the unit at all times.

- B. Commercial Inventory: A storage container may be utilized on commercial property for the temporary storage of inventory. A permit is required. The storage container shall be placed in the rear yard and screened from view of the public.

9.13.3 Permit.

- A. Application: The owner of the real estate upon which the storage container is to be placed must apply for a permit. The application shall be on a form supplied by the City of Pocahontas and on file with the City Clerk. The application shall be completed and executed by the owner of the property returned to the City Clerk with the application fee. The application shall include the following information:

1. Name, postal address, and telephone number of the owner of the real estate.
2. Purpose for the storage container.
3. A plan indicating the proposed location of the container and its distance from buildings or proposed buildings.
4. Identification of adjoining property owners (including name, address, and telephone number).
5. Location of fire hydrants, location of utilities, and an indication of setbacks or easements.
6. A description of the container including its dimensions, style, color, and how it will be secured to the ground.
7. Location and number of parking spaces for the site, if a business.
8. Any additional information required by the Administrative Official.

- B. Review: The application will be reviewed by the Administrative Official. The administrative official may take into consideration the appearance of the container, visibility from the street, potential alternative locations for the storage unit on the lot, efforts to minimize disturbance to adjoining properties, container size, safety, existence of any zoning violations, and other concerns related to health, safety, and welfare.

- C. Approval/Denial: The Administrative Official shall approve, deny, or request additional information from the applicant within 72 hours of receipt of the application. If additional information is requested, the Administrative Official shall have 72 hours to approve or deny the application once the information is received.

9.13.4 Toxic or Hazardous Materials.

No storage container may be used to house any toxic or hazardous materials.

9.13.5 Maintenance and Safety.

All storage containers must be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, and must not pose any safety risk. In the event the storage container is determined to be a safety risk or present physical danger to persons or property, the storage container may be caused to be removed from the property.

Section 9.14.0. Storage Container Sales or Rental

The following govern the sites which sale or rent storage containers:

- A. Storage container sales and rental sites must be approved through the conditional use permit process.
- B. All storage containers must be placed within the side or rear yard of the lot and observe the building setbacks for the property.
- C. No storage container shall be allowed closer to the street frontage than the front edge of the principal structure on the lot.
- D. All storage containers must not be visible from any street frontage and be placed behind a wall or fencing at least eight (8) feet in height that provides visual screening.
- E. No storage container can be placed within the required parking area for a business.
- F. All storage containers must be locked and secured in a manner to prevent public access to the storage containers.

Section 9.15.0. Sidewalks

Sidewalk requirements shall be addressed in all building permits that involve the construction of a new primary structure. Construction standards shall be adopted by the City. Following are minimum requirements; the City may require additional sidewalks and wider sidewalks near commercial areas, schools and other places of public assembly.

- A. Sidewalks shall be constructed on both sides of all streets in commercial zones, where an existing sidewalk is adjacent to the property, excluding where required by item B.
- B. Sidewalks shall be required on both sides of collector streets and arterials when the new sidewalk will be constructed within 300 feet of existing sidewalks. Sidewalks shall be required on both sides of collector streets and major arterials and minor arterials when the entire area is a new development or part of a new commercial subdivision.
- C. Sidewalks shall be constructed, abutting property lines, on one side of all local streets excluding areas in the Agricultural District (A-1), where an existing sidewalk is adjacent to the property. This excludes areas within a platted subdivision where a designed sidewalk plan has been required and provided. In these areas sidewalks will be required regardless of the lack of or presence of sidewalks on adjacent property. The sidewalks will be constructed in conjunction with the building and driveway improvements on each lot.

- D. Sidewalks shall be in compliance with the Americans With Disabilities Act.
- E. Questions or appeals concerning the construction of sidewalks must be addressed prior to the approval of a site plan and the issuance of a building permit.

ARTICLE X. SIGNS

The purpose of this article is to provide minimum standards to safeguard life health, property, public welfare and community aesthetics, by regulating and controlling the location, design, and quality of maintenance of signs visible to the public.

Section 10.01.0. Prohibited Signs

The following signs are prohibited within the city limits:

- A. Unsafe signs.
- B. Traffic hazard signs.
- C. Abandoned signs.
- D. Signs within the public right-of-way.
- E. No signs may be painted on or attached to trees, rocks, or other natural formations, fence posts, utility poles, or building roofs.
- F. Signs on public property, except as authorized by the City of Pocahontas or other governmental institution.
- G. Electronic message centers and digital video signs with flashing illumination that may be deemed traffic hazards and create unsafe conditions or which could constitute a nuisance to neighboring property.

ARTICLE XI. OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 11.01.0. Off-Street Parking and Requirements

11.01.01. Minimum Standards

In all districts there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for vehicles in accordance with the following requirements:

<i>Use</i>	<i>Parking Standards</i>
1. Dwelling	Two (2) parking spaces for each dwelling unit.
2. Hotel or Motel	One (1) parking space for each rentable sleeping room, plus one (1) parking space per each employee on the largest shift.
3. Medical or Dental Clinics Offices and Hospitals	Four (4) spaces per doctor plus two (2) spaces for each three (3) employees in clinics and offices. For hospitals there shall be one (1) space per bed and one (1) space per employee on duty at any given time.
4. Nursing Homes	One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space per employee on duty at any given time.
5. Community Center, Theater, Auditorium	One (1) parking space for each four (4) seats based on maximum seating capacity.
6. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation	One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
7. Retail Shops	One (1) parking space for each one hundred fifty (150) square feet of floor area devoted to sales.
8. Office Building	One (1) parking space for each three hundred (300) square feet of floor area in the building, exclusive of the area used for storage, utilities, and service area.
9. Commercial Establishment Not Otherwise Classified	One (1) parking space for each four hundred (400) square feet of floor space in the building.
10. Industrial Establishments	Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment. Not fewer than one (1) parking space shall be provided for each four (4) employees present at any given time.
11. Church Sanctuary	One (1) parking space for each four (4) seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed fifty percent (50%) of the required spaces, with entities that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary and shall not require crossing an arterial road.

<i>Use</i>	<i>Parking Standards</i>
12. All Others	For all other uses not covered in (1) through (11) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

11.01.02. Application of Standards

- A. Joint Parking Facilities: Off-street parking facilities for different buildings, structures, or uses, of for mixed uses may be provided collectively in any nonresidential zoning district, provided that the total number of spaces so located together shall not be less than 66% of the sum of the separate requirements for each use.
- B. These standards shall apply fully to all uses and buildings established after the effective date of these regulations.
- C. Except for parcels of land devoted to single-family or duplex residences, all area devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- D. All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches.
- E. Adequate parking spaces shall be provided to meet ADA Accessibility requirements.
- F. The standards may be waived or modified by the Board of Adjustment.

Section 11.02.0. Off-Street Loading and Unloading Requirements

The following requirements shall apply to off-street loading and unloading facilities:

- A. A building whose principal use is handling and selling goods at retail shall provide one (1) off-street loading and unloading space for buildings up to and including ten thousand (10,000) square feet of floor area, plus one (1) additional space for each additional ten thousand (10,000) square feet of gross floor area.
- B. Manufacturing, repair, wholesale, and similar uses shall provide one (1) off-street loading and unloading space for buildings containing ten thousand (10,000) square feet of floor space, plus one space for each forty thousand (40,000) square feet of floor area in excess of ten thousand (10,000) square feet of gross floor area.
- C. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

Section 11.03.0. Other Requirements

11.03.01. Surface Requirements

The owner/developer shall cover all portions of the site that are intended to be used for drives, parking, maneuvering and vehicular access to warehouse bays with asphalt or concrete, excluding the A-1 district. All other areas shall be improved with grass, ground cover and/or landscaping.

11.03.02. Driveways

Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns, except that the width may be increased to forty (40) feet in the C-2, I-A, and I-1 zones. All driveways shall be paved with asphalt or concrete excluding A-1 zones. Within A-1 zones, only 50 feet of the driveway nearest the street shall be required to be paved.

11.03.03. Size

The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

ARTICLE XII. NONCONFORMING STRUCTURES AND USES

Section 12.01.0. Nonconformities Generally

The purpose of this Section is to establish requirements, limitations, and exceptions for the continued existence of uses, lots and structures, established prior to annexation or the effective date of these regulations, which do not conform to the provisions of these regulations. Such nonconformities may continue, but the provisions of this Section are designed to curtail enlargement or expansion of such nonconformities and to encourage their eventual elimination in order to preserve the integrity of the districts and the requirements established by these regulations.

Section 12.02.0. Nonconforming Use of Land

A legally established land use that is prohibited by this Code and which existed prior to October __, 2015 or which was annexed as a nonconforming use of land, may continue, under the following conditions:

- A. The nonconforming use shall not be made larger or increased, increase in intensity, or occupy a greater land area than it did prior to October __, 2015, or the date which it was annexed, if after October __, 2015.
- B. The nonconforming use may not be resumed if it ceases for more than eighteen (18) consecutive months. After a use has ceased for eighteen (18) consecutive months, all future of use of the land shall conform to the requirements of this Code.
- C. The nonconforming use shall remain otherwise legal.

Section 12.03.0. Nonconforming Structure

A structure that was legally permitted to be constructed prior to October __, 2015, or was constructed and annexed after October __, 2015, which would be prohibited by this Code because of restrictions on area, lot coverage, height, yard requirements, or other characteristics of the structures or its location on the lot, may continue, under the following conditions:

- A. The nonconforming structure shall remain otherwise legal.
- B. The nonconforming structure shall not be rebuilt or repaired if it is considered destroyed unless it will be brought into conformance with this Code. A structure shall be considered destroyed if the cost of damage to the structure exceeds more than sixty (60) percent of its replacement cost at the time of destruction.
- C. The nonconforming structure may be added on to if the addition meets the area requirements of the lot's zoning district and the structure's land use is conforming. An addition of this type shall require approval of the Board of Adjustment. If the addition does not increase the structure's nonconformity in any way or affect those portions of the structure causing the nonconformity, no approval from the Board of Adjustment shall be required.
- D. The nonconforming structure may be remodeled, with approval of the Board of Adjustment, to maintain it in a safe and usable condition.

- E. A nonconforming mobile home, when removed, shall not be returned or replaced by another mobile home, except that a mobile home may be replaced with a manufactured home within a nonconforming mobile or manufactured home park.

Section 12.04.0. Nonconforming Use of Structure

A use of a structure or the use of a structure and premises that was legally established prior to October __, 2015, or which was annexed as a nonconforming use of a structure or premises, which would be prohibited by this Code, may continue, under the following conditions:

- A. The nonconforming use a structure shall remain otherwise legal.
- B. A structure with a nonconforming use shall not be structurally altered unless the structure's use is changed to a conforming use.
- C. A nonconforming use of a structure shall be allowed to expand or increase within the structure. The structure is required to have been designed or arranged for the nonconforming use prior to October __, 2015, or the date it was annexed, if annexed after October __, 2015. The nonconforming use shall not be allowed outside of the structure.
- D. A nonconforming use of a structure or structure and premises, may be changed to another nonconforming use. No structural alterations shall be permitted, and approval from the Board of Adjustment for the change of use is required. The Board of Adjustment shall not approve the change if the proposed use is of greater intensity than the existing nonconforming use.
- E. A nonconforming use of structure, if changed to a conforming use, shall from then on be required to conform to the requirements of this Code. All future uses of the structure and premises shall be conforming uses.
- F. A nonconforming use of a structure or structure and premises may not resume if considered abandoned. A nonconforming use of a structure or structure and premises shall be considered abandoned when it is discontinued for eighteen (18) consecutive months. All future use of the structure and premises shall conform to requirements of this Code.

ARTICLE XIII. AMENDMENTS TO ZONING CODE AND MAP

Section 13.01.0. General

This code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures prescribed herein. All amendments to the Official Zoning Map must conform to the city's adopted Future Land Use Plan. (See Section 4.04.0)

Section 13.02.0. Requests for amendments

The following may initiate a request to amend this Code:

- A. A member or members of the City Council.
- B. A member or members of the Planning Commission.
- C. The owner of a property or his/her appointed agent.

Section 13.03.0. Amendments initiated by the City Council

Amendments by the City Council may be made in the following manner.

- A. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Section 13.04.0, below.
- B. The City Council may amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code, Annotated when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the City. An amendment may be made by ordinance with approval of a majority of the entire City Council.

Section 13.04.0. Amendments initiated by the Planning Commission

Amendments initiated by the Planning Commission may be made by the following procedures.

- A. The Planning Commission may consider amendments or additions to the Zoning Code.
- B. If the proposed amendments are not consistent with the comprehensive plan, the Planning Commission must first consider and adopt any necessary changes to the plan.
- C. The Planning Commission will hold a public hearing to consider amendments to the Zoning Code and amendments to the comprehensive plan, if required.
- D. Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Pocahontas.
- E. Changes in zoning classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and notice to individual property owners shall

be not be made unless by Planning Commission decision. The Planning Commission shall make a map and/or documents indicating the proposed changes available in City Hall for review by interested citizens and property owners at least fifteen (15) days prior to the public hearing at which the changes will be considered.

- F. Following the public hearing, the proposed amendments may be approved as presented, or in modified form, by a majority of the entire Planning Commission.
- G. Following its adoption of the amendments of the Zoning Code or adopted plans, the commission shall certify the adopted plans or recommended zoning changes to the City Council for its adoption. Approval shall require of a majority vote of the entire City Council.

Section 13.05.0. Amendments Initiated by Property Owners

Amendments by property owners may be made in the following manner.

- A. An application for amendment shall be filed at the main desk in City Hall.
- B. The application for a Zoning Map Amendment shall contain the following information:
 - 1. Name and address of applicant.
 - 2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Zoning Map Amendment is proposed.
 - 3. Address and legal description of property.
 - 4. A map of the subject property, delineating:
 - a. the dimensions of property;
 - b. approximate location of buildings with appropriate dimensions;
 - c. land uses of adjacent properties.
 - d. A vicinity map of sufficient clarity to allow location of the property for which a re-zoning request is located.
 - e. The application shall be accompanied by the prescribed fee.
- C. Hearing on Application: Upon receiving the application, the Administrative Official shall set a date for a public hearing.

Notice of such hearing shall be published at least one time at least fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Pocahontas. The applicant shall bear the cost of such advertising.

Notice of such hearing shall be given by posting a sign on the property involved by the applicant at least fifteen (15) days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the city.

The applicant shall then be placed on the Planning Commission agenda for the meeting on which the public hearing is to be held.

- D. Finding of Fact: Within thirty (30) days following the public hearing, the Planning Commission shall make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Code, and the Plans adopted by the Planning Commission. The Planning Commission shall approve or deny the amendment application by a majority of the entire Planning Commission. If denied by the Planning Commission, the application will not be heard by the City Council unless the decision is appealed by the applicant.
- E. Authorization by City Council: Any amendment will require approval by ordinance of a majority of the entire City Council.
- F. Effect of Denial of Amendment: No application for an amendment which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except upon decision by the Planning Commission if substantial changes in conditions have occurred. A change of ownership of the subject property will not be deemed a substantial change of conditions.

ARTICLE XIV. CONDITIONAL USES

Section 14.01.0. Purpose

Because of their unique character and impact on adjacent properties, some uses in this code are designated as conditional uses and require a permit. Depending on the nature of the use, such uses may or may not be desirable and appropriate in all circumstances. Each application must be individually considered to provide for conditions of approval and special restrictions. These conditions and restrictions are used to protect the adjacent area where the conditional use will be located.

Section 14.02.0. Application for Conditional Use Permit

An application for a Conditional Use Permit shall be filed with the Planning Commission. The application shall contain the following information and include the following documents:

- A. Name and address of the applicant
- B. Statement that the applicant is the owner or the authorized agent of the owners of the property for which the Conditional Use is proposed.
- C. Address and legal description of the property.
- D. Maps of the property as follows:
 - 1. A vicinity map to scale showing property in question clearly outlined in the center of a circle with a radius of one-quarter mile.
 - 2. A paper copy of the plot plan or site layout of the subject property to scale and clearly dimensioned, showing the zoning of adjacent properties and, if applicable, building locations along with provisions for parking, loading and unloading, circulation, access, landscaping and screening.
- E. The application shall be accompanied by the prescribed fee as indicated in Schedule of Fees, and the anticipated cost of publication of notice.

Section 14.03.0. Hearing on Application and Notice Requirements

- A. Upon receipt in proper form of the application, the Administrative Official shall fix a date for a public hearing on the proposed Conditional Use within thirty (30) days of the filing of the application.
- B. Notice of such hearing shall be published at least one time at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Pocahontas.
- C. The cost of the publication of the notice shall be paid by the Applicant.
- D. The city shall post a suitable and pertinent sign on the property involved giving notice of such hearing not less than fifteen (15) days prior to the hearing.

Section 14.04.0. Finding of Fact

Before any conditional use shall be approved by a majority vote, the Planning Commission shall make a finding of fact to support the following, where applicable:

- A. The establishment, maintenance, or operation of the proposed Conditional Use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- B. The proposed Conditional Use will not harm other property in the neighborhood;
- C. The establishment of the Conditional Use will not impede the normal or orderly development and improvement of the surrounding properties;
- D. The size of the site is adequate for the proposed use;
- E. Traffic generated by the use will not unduly burden transportation facilities within the neighborhood;
- F. Adequate buffering devices such as fencing, landscaping, or grading are sufficiently used to protect adjacent property;
- G. The proposed Conditional Use is in conformance with all off-street parking and loading requirements; and ingress and egress, and pedestrian ways are adequate;
- H. Landscaping and screening of the proposed Conditional Use shall be in accordance with this Code;
- I. The size and shape of the site; including size, shape, and arrangement of the proposed structure(s) is in accordance with this Code;
- J. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor have been addressed in the proposed application.

Section 14.05.0. Conditions of Conditional Use

The Planning Commission may include such conditions or restrictions upon the construction may include such conditions or restrictions upon the construction, location, and operation of a Conditional Use, as deemed necessary to secure the general objectives of this Code.

- A. Violation of any condition imposed hereunder shall constitute grounds for revocation by the Planning Commission of the Conditional Use Permit.
- B. Any use of the not permitted by the original Conditional Use Permit shall require approval of a new Conditional Use Permit.

Section 14.06.0. Deadline for Planning Commission Decision

Within thirty (30) days after the close of a public hearing on a proposed conditional Use, the Planning Commission shall approve or deny the application.

Section 14.07.0. Denial of a Conditional Use

No application for a Conditional Use Permit which has been denied wholly or partly by the Planning Commission shall be resubmitted for a period of one (1) year from date of said denial, unless the Planning Commission finds that a substantial change in conditions has occurred.

Section 14.08.0. Lapse of a Conditional Use Permit

A Conditional Use Permit granted hereunder shall lapse and become void:

- A. The permit for any use that has been discontinued for a period of greater than 120 days shall be considered invalid and revoked. Future use of the property must comply with the provisions of the underlying zoning district until a new Conditional Use Permit is obtained.

- B. In the case where any of the specific terms and conditions of a conditional use permits are violated, ignored, or otherwise not observed the Administrative Official may revoke such permit. A 30-day written notice using certified mail shall be addressed to the applicant indicating the nature of the non-compliance and the applicant's right to file an appeal to the Board of Adjustment. If no appeal is filed within the 30-day period, and the non-compliance has not been corrected within 45 days of receipt of the written notice, the permit shall be revoked. Revocation shall be immediate and shall prevent use of the property in a general manner as specified within the original permit. The property shall revert to its use status prior to issuance of the conditional use permit.

ARTICLE XV. BOARD OF ADJUSTMENT

Section 15.01.0. Organization

- A. A Board of Adjustment is hereby established to consist of the members of the Planning Commission.
- B. The officers of the Planning Commission shall hold the same offices on the Board of Adjustment.

Section 15.02.0. Meetings and Hearings

The Board of Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Each session of the Board of Adjustment is a public meeting and public notice of the meeting must be published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.

Section 15.03.0. Powers and Duties

- A. The Board shall hear appeals from the decision of the Administrative Official in respect to the enforcement and application of said Code; and may affirm or reverse, in whole or in part, any decision of the Administrative Official.
- B. The Board shall hear requests for Variances from the literal provisions of the Zoning Code in instances where strict enforcement of the Zoning Code would cause undue hardship because of 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 Code.
- C. The Board of Adjustment shall not permit as a Variance, any use in a zone that is not permitted under the Code.
- D. The Board of Adjustment may impose conditions in granting of a Variance to ensure compliance and to protect adjacent property.
- E. The Board of Adjustment may permit changes to nonconforming uses and structures after holding a public hearing and as limited by Article XII of this Code.

Section 15.04.0. Appeals

A decision of the Board of Adjustment may be appealed within thirty (30) days of the decision to a court of record having jurisdiction in Randolph County, Arkansas.

Section 15.05.0. Procedure for Variance Applications

- A. Application for Variance: An application for a Variance shall be filed with the Administrative Official. At the time of filing, the applicant shall provide the application fee and the

anticipated cost of publication and notice. The application shall contain the following information and include the following documents:

1. Name and address of applicant.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Variance is proposed.
3. Address or description of the property.
4. A list of the names and addresses of owners of all adjoining properties.
5. A map of the subject property, delineating:
 - a. the dimensions of property;
 - b. approximate location of buildings with appropriate dimensions;
 - c. land uses of adjacent properties.

B. Hearing on Application

1. Upon receiving the application, the Board of Adjustment shall hold a public hearing on the proposed Variance within 30 days.
2. Notice of such hearing shall be published by the City at least one time not less than seven (7) days prior to the public hearing.
3. The cost of the publication of the notice shall be paid by the applicant.

C. Finding of Fact: For the Board of Adjustment to approve an application for any proposed Variance, a majority of the entire Board must find that each of the following facts exist with respect to the application:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
2. The conditions causing the need for a Variance are unique to the property and are not applicable, generally, to other property within the same zoning classification.
3. The literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.
4. The alleged difficulty or hardship is caused by this Code and has not been created by the applicant or a previous owner of the property.
5. The granting of the Variance will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located.

6. The proposed Variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood;
7. The proposed Variance complies with the spirit and intent of restrictions imposed by this Code.

No variance may be approved that would allow a use that is not permitted or that is implicitly or expressly prohibited. The existence of a nonconforming use or structure shall not be used as grounds to justify approval of a variance. The Board of Adjustment may provide conditions on the approval of a variance. Violation of these conditions shall be considered a violation of this Zoning Code.

- D. **Conditions of Variances:** The Board of Adjustment may require such conditions or restrictions upon the construction, location, and operation of a Variance, as deemed necessary to secure the general objectives of this Code. Such conditions or restrictions may include, but shall not be limited to, provisions for the protection of adjacent property, the expiration of said Variance after a specified period of time, and off-street parking and loading requirements.
- E. **Deadline for Board of Adjustment Decision:** Within thirty (30) days after the close of the public hearing, the Board of Zoning Adjustment shall make a written finding of fact and submit its decision to the Administrative Official.
- F. **Effect of Denial or a Variance:** No application for a Variance that has been wholly or partly denied by the Board of Adjustment shall be resubmitted within a period of one (1) year from date of said denial.
- G. **Lapse of Variance:** A Variance granted hereunder shall lapse and become void:
 1. Where no building or construction is involved, approvals for the use of the property for which the Variance is issued shall expire within six (6) months if not begun.
 2. Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within six (6) months or completed within two (2) years, the approvals shall expire.

Section 15.06.0. Procedure for Appeals of Decisions by the Administrative Official

- A. Appeals may be made by any person aggrieved by any decision of the Administrative Official and shall be made in writing on forms prescribed by the Board within 30 days after the decision has been rendered by the Administrative Official. The appeal will be filed in the city hall. Fee for filing appeal shall be set by ordinance of the City Council, and is to be paid at time of filing.
- B. Public notice of the appeal hearing shall be advertised seven (7) days in advance in a publication of general circulation within Pocahontas. The public notice shall give the address and location of the property, as well as a brief description of the appeal. The public hearing shall be open to comment by anyone.

- C. At the hearing for the appeal, the applicant shall demonstrate to the Board of Adjustment why he/she believes the Administrative Official was incorrect in making his/her decision based upon the facts of the case and the provisions of the zoning code. Input from the public shall be allowed. The Board of Adjustment may uphold, partially uphold, or reverse the decision of the Administrative Official. The Board of Adjustment shall consider all the facts presented in determining whether the Administrative Official was correct in carrying out the provisions of the zoning code.

ARTICLE XVI. DEFINITIONS

For the purpose of interpreting these regulations, words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular, except where natural construction of the writing indicates otherwise.

The word "shall" is mandatory, the word may is permissive. The word "person" includes a firm, partnership, or corporation as well as an individual.

Where words have not been defined in these regulations, the Webster's Collegiate Dictionary definition shall prevail.

For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined as follows:

Abutting:	Having property of district lines in common. Since zoning district lines fall to the centerline of a street, alley or waterway, lots which appear physically separated abut at said district line.
Access:	The way or means by which a piece of property is approached or entered.
Accessory Buildings And Uses:	An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in these regulation) located on the same lot as the use of the main building or principal use of the land. An accessory use is one which is clearly incidental to or customarily found in connection with and on the same lot as the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.
Addition:	Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.
Administrative Official:	The person or person designated by the Mayor to administer the Zoning Code.
Adult Day Care:	A profit or non-profit establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than 24 hours a day and which received payment, fee, or grant for the adults attending the facility.
Agriculture:	The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided,

however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

- Alley:** A permanent public service way, which affords only a secondary means of access to abutting property.
- Apartment:** See "Dwelling, Apartment".
- Authorized Agent:** A person or persons authorized by the landowner to act in his behalf.
- Automobile Wrecking or Junk Yard:** An area outside of a building where motor vehicles are disassembled, dismantled, junked, or "wrecked", or where motor vehicles not in operable condition or used parts of motor vehicles are stored, or where scrap metal, cloth, wood, paper, or other materials are stored for either resale, recycling, or retention.
- Billboard:** An off-premise sign with an area larger than 250 square feet for use in outdoor advertising.
- Buffer:** A strip of land lying parallel to adjacent to a property line common to a dissimilar use of a more restrictive nature, upon which is placed some form of screening, such as fencing or vegetation. The purpose of a buffer is to minimize the adverse impacts of a more intense land use on a less intense land use.
- Buildable Area:** The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, and coverage) have been met.
- Building:** Any structure including a roof supported by walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattel or property and forming a construction that is safe and stable; the word building shall include the word structure.
- Building, Attached:** A building that shares a continuous wall, roof, floor, or other structural element with another adjacent building.
- Building, Detached:** A building having no wall, roof, floor or other structural element in common with another building.
- Building, Coverage:** The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.
- Building, Façade:** The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.
- Building, Height:** The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor to the highest

point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

Building, Line:	A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the regulations. It is equivalent to the setback or yard line.
Building, Nonconforming:	An existing building which fails to comply with the regulations (for height, size, area, yards and location) set forth in these regulations applicable to the district in which this building is located.
Building, Principal:	A building in which is conducted the main or principal use of the lot on which said building is situated.
Certificate of Occupancy:	Official certification that a premise conforms to provisions of the regulations (and Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.
City:	The City of Pocahontas, Arkansas.
Child Care Center:	A commercially designed and operated facility which receives six (6) or more children for care, training, education, or supervision for any unrelated minor child, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the services offered by it. This also includes nurseries, nursery schools, day care centers and kindergartens. Such a facility is licensed by the State.
Clinic, Dental/Medical:	A facility for the examination and treatment of ill and afflicted human out patients; provided however, that patients are not kept overnight except under emergency conditions.
Commercial Vehicle:	Heavy machinery equipment, dump trucks, tractor and trailer rigs, either as one unit or separately, vehicles having more than two axles on the road and similar vehicles not ordinarily used for personal transportation.
Commission:	The Pocahontas Planning Commission.
Conditional Use:	Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as determined by the Planning Commission and/or the City Council as outlined in Article III of these regulations.
Corner Lot:	A lot located at the intersection of two streets not sharing the common centerline.

CUP:	Conditional Use Permit
Day Care, Medium Scale Home:	A situation, arrangement or agreement by which one or more persons care for six (6) to sixteen (16) children from more than one family and are cared for in a caregiver’s own family home or in some other suitable family type residence.
Day Care, Small Scale Home:	A situation in which the resident of a home cares for five (5) children or less.
District Zoning:	Any section, sections, or divisions of the City for which the regulations governing the use of land, density, bulk, height and coverage of buildings and other structures are uniform.
Drive In, Commercial Use:	Any retail commercial use providing considerable off street parking and catering primarily to vehicular trade such as drive in restaurants, drive in theaters, and similar uses.
Dwelling:	Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes, or travel trailers. The “living quarters” must contain spaces for bathing, sleeping and meal preparation and eating.
Dwelling, Apartment:	A dwelling on a single lot designed to be occupied by more than four families, living independently of each other. Or, more than one dwelling structure on a single lot designed to be occupied by two or more families living independently of each other family.
Dwelling, Single-Family:	A dwelling on a single lot designed to be occupied by one family.
Dwelling, Two-Family:	A dwelling on a single lot designed to be occupied by two families living independently of each other.
Dwelling, Three/Four-Family:	A dwelling on a single lot designed for occupancy by three or four families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.
Dwelling, Townhouse/Row House:	Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.
Easement:	A right of way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usage given by the owner of land to another party.
Family:	One or more persons related by blood or marriage, including adopted children, or a group of not to exceed four (4) persons not all related by

blood or marriage, occupying premises and living as a single unit. A family may include domestic servants employed by said family.

Federal Standards (Manu. Homes):	The Federal Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 et seq. as it existed on January 1, 1976.
Fence:	A man made barrier constructed to provide privacy or visual separation between one ownership and another.
Floor Area:	The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.
Garage, Private:	An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupant and their guests of the building to which it is accessory.
Garage, Public or Repair:	A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.
Gasoline or Service Stations:	Any building, structure, or land used primarily for the dispensing, sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, major repairs, or automatic washing facilities.
Half-way House:	A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State of Arkansas.
Home Occupation:	Any use customarily conducted entirely within a dwelling and carried on principally by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
Hospital:	An institution providing health services primarily for human in patient or medical or surgical care for the sick or injured, including related facilities such as laboratories, out patient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.
Hotel:	A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public

dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.

Kennel:	Any lot or premises on which four (4) or more dogs, more than six (6) months of age are kept for personal use or boarding.
Landscaping:	A combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and man-living materials (such as, rocks, pebbles, sand, mulch, walls, fences or decorative paving materials) arranged or preserved in such a way to produce a scenic setting.
Loading Space (Off Street):	Any unobstructed, hard-surface area no part of which is located in any street or public right of way and the principal use of which is for the standing, loading, or unloading of trucks and trailers.
Lot:	A parcel of land, legally defined in a recorded deed or recorded plat, fronting on a public dedicated right of way or other approved private drive. Said lot shall establish one building site.
Lot Area:	The total horizontal area included within the lot.
Lot Coverage:	The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.
Lot Depth:	The mean horizontal distance between the front line and the rear lot line, or the distance between the midpoint of the rear lot line.
Lot, Double Frontage:	A lot having frontage on two non-intersecting streets.
Lot, Interior:	A lot other than a corner lot.
Lot Line, Front:	The property boundary line that runs common with and adjacent to any street frontage or right of way separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.
Lot Line, Rear:	That property boundary line which is generally parallel to and most distant from the front line of the lot.
Lot Line, Side:	A lot line other than a front or rear lot line.
Lot Line:	The property boundary lines.

Lot of Record: A parcel of land that is a lot in a subdivision recorded on the records of the Randolph County Recorder’s Office, or that is described by a metes and bounds description.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.

Manufactured Home: A detached single family dwelling unit fabricated on or after June 15, 1976, in an off of site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

Mobile Home: A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty (320) square feet, and is designed to be used as a year round residential dwelling unit, and/or which does not bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.

Modular Home: A standardized unit other than a Manufactured Home, as defined above, which is manufactured off-site, assembled at the building site, and which meets the state building codes. In this code modular homes shall be considered the same as site-built homes which meet the state building codes.

Motel: A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.

Nonconforming Building/Structure: Any building or structure lawfully existing on the effective date of these regulations, as amended, which does not comply with all of the requirements of these regulations for governing parking or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one (1) dwelling unit in addition to the number permitted by the district requirements in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building. (See Article XII.)

Nonconforming Use:	Any use lawfully being made of any land, building or structure, on the effective date of these regulations, as amended, which does not comply with all the requirements of these regulations governing use for the zoning district in which such land, building or structure is located. (See Article XII.)
Nursing Home:	Any premises where more than three (3) persons are lodged and furnished with meals and nursing care.
Open Space:	Any unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure whatever.
Parking Lot:	An off street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of vehicles.
Parking Space:	An off street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9' X 20'.
Permitted Use:	Those uses specifically listed in these regulations as allowed without any further review by the planning commission or city council.
Plan:	A fully dimensioned drawing which provides for all data related to a development of land and certified as to accuracy by a land surveyor or engineer.
Place of Worship:	An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.
Plat:	An engineering drawing which provides for all data related to a development of land and certified as to accuracy to a land surveyor or engineer.
Principal Use:	The use which fulfills the primary function of an establishment, institution, household, or other entity.
Public Assembly:	A space, room, or structure designed or used for occupancy by 20 or more persons who are gathered for a non-commercial purpose. Clubs, lodges, halls, and churches are places of public assembly.
Public Utility:	Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public,

electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

- Reclassification: An amendment to or a change reflecting a modification of the zoning district boundary map.
- Recreational Vehicle (RV): Self propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities.
- Residence: A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include:
- (a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
 - (b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
 - (c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility building or portions of buildings used for community facility uses.
- Right of Way, Public: An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County or the State for public use.
- School: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.
- Screening: See Buffer.
- Setback: Distance between the lot line and the building line.
- Sign: A sign is a structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Storage Container:	Any portable, weather resistant receptacle, storage unit, shed-like container, box car, mobile trailer, steel shipping container, or portable on-demand storage structure (“PODs”), designed and used for the storage or shipment of goods, wares, building materials and other merchandise, used at construction sites or used to transport goods by rail, highway, or sea. This does not include pre-manufactured storage buildings, mobile homes, or manufactured homes.
Story:	That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of each story.
Street:	Any public or private thoroughfare, which affords the principal means of access to abutting property.
Structure:	Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.
Structural Alterations:	Any change in the supporting members of a building, such as bearing wall or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
Toxic or Hazardous Materials:	Any substance, solution, or mixture which because of its quality, quantity, concentration, physical, chemical, or infectious characteristics, or any combination of the foregoing presents or may present an actual or potential hazard to human health or the drinking water supply, if such substance, solution, mixture, or combination thereof, is discharged to the land or waters of the City of Pocahontas.
Use:	A purpose to which land is committed.
Variance:	An exception from the strict application of the provisions of these regulations.
Yard, Front:	The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and nearest point of the roof overhang of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.
Yard, Rear:	The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line

and the rear of such building. The building shall be measured from the roof overhang.

- Yard, Side: The required area of open space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building, measured from the roof overhang.
- Yard, Exterior/Side-Street: Any yard which is adjacent to or parallel to a public or private right of way.
- Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private right of way.
- Zoning District: A section of the city designated in the text in which requirements for the use of land and building and development standards are prescribed.
- Zoning District Boundary: That boundary which separates unlike zoning districts.