

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Ordinance Adopted By Reference
- 14.08 Flood Damage Prevention Code Adopted By Reference
- 14.12 Mobile Homes
- 14.16 Annexing, Vacating and Rezoning Property
- 14.20 Sale of Alcohol, Zoning Regulations

CHAPTER 14.04

ZONING ORDINANCE ADOPTED BY REFERENCE

Sections:

- 14.04.01 Adoption of Zoning Code
- 14.04.02 Amendments
- 14.04.03 Zoning Map

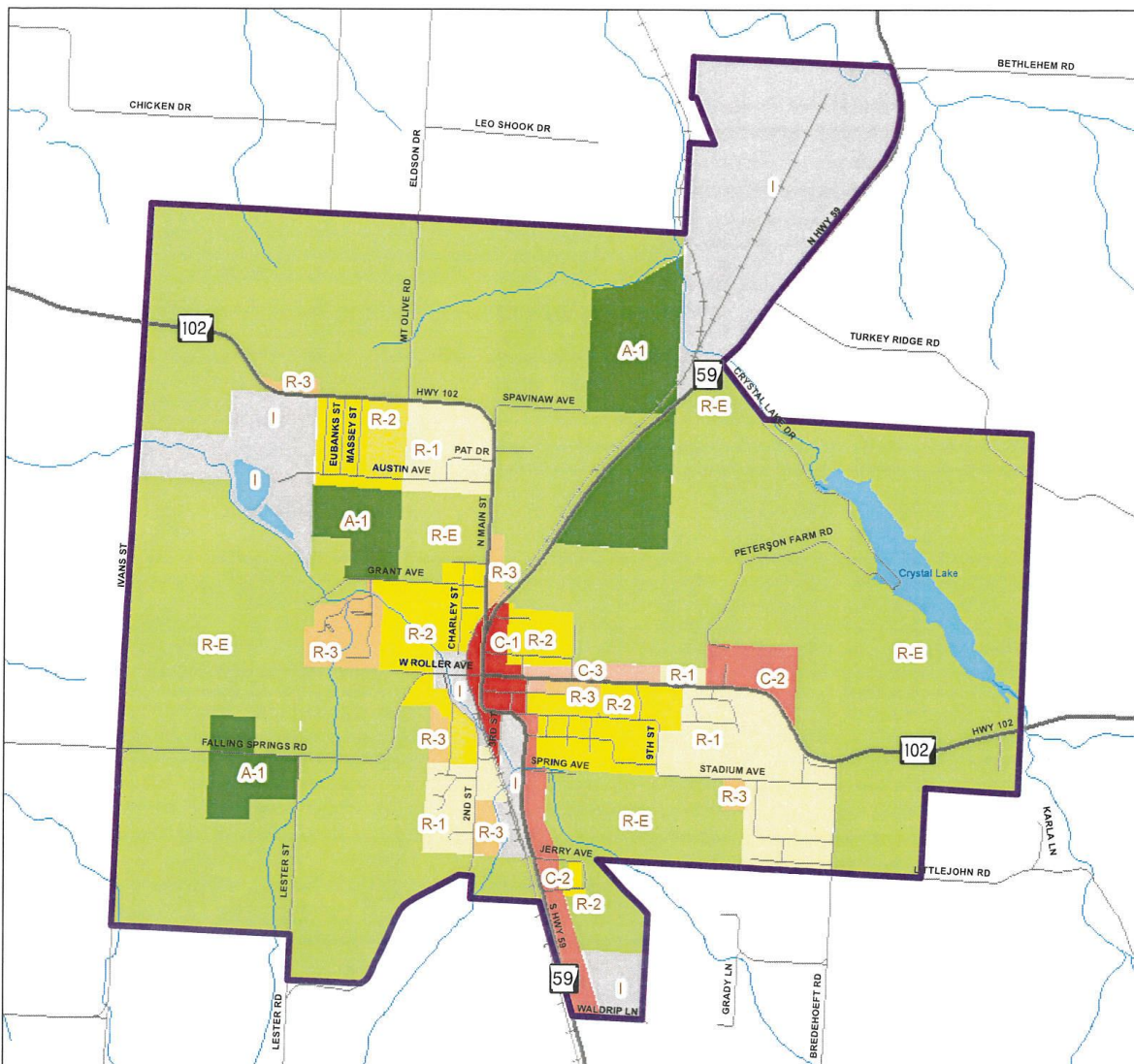
14.04.01 Adoption of Zoning Code That the document entitled "City of Decatur Zoning Code" is hereby adopted by reference. (Ord. No. 2018-06, Sec. 2.)

14.04.02 Amendments

- **Ord. No. 20-05** - Section 10 (g) 1 (Fences) shall be amended to add the following to the existing language:

A decorative fence over 36 inches in height shall not be placed in the front yard or positioned any closer to the property line than the front surface of the residence building on a typical residential lot. Decorative fencing not more than 36 inches in height is allowed in front yards subject to all visibility requirements and limitations as discussed herein. A chain link or other sufficiently transparent fence (one that provides similar visibility through the fence as does chain link) shall be allowed in front yards so long as the fence is not more than 48 inches in height.

14.04.03 Zoning Map That the Official Zoning Map, attached hereto and made a part hereof, is hereby adopted. (Ord. No. 2018-06, Sec. 3.)



Map Features	
	City Limits
	Parks
	Lake
	Stream
	Railroad
	Interstate
	US Highway
	State Highway
	Road

Official Zoning Map Decatur 2018

0 0.5 1.0

Approved this 13th day of July 2018
Robert Shaw
Mayor
Kim Wilkins
City Clerk

NWA
NORTHWEST ARIZONA
NWAPC_SJS
DecaturZoning.mxd
8/13/18

CHAPTER 14.08

FLOOD DAMAGE PREVENTION CODE

Sections:

- 14.08.01 Code adopted by reference
- 14.08.02 Abrogation and greater restrictions
- 14.08.03 Interpretation
- 14.08.04 Warning and disclaimer of liability
- 14.08.05 Compliance
- 14.08.06 Penalty for non-compliance

14.08.01 Code adopted by reference There is hereby adopted by reference a “Flood Damage Prevention Code for Decatur, Arkansas,” dated September 28, 2007. The code shall include:

- ARTICLE 1 DEFINITIONS
- ARTICLE 2 ADMINISTRATION
- ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the City Clerk and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 2007-5, Sec. 6.)

14.08.02 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 2007-5, Sec. 7.)

14.08.03 Interpretation In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No. 2007-5, Sec. 8.)

14.08.04 Warning and disclaimer of liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside special flood hazard areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within special flood hazard areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. 2007-5, Sec. 9.)

14.08.05 Compliance Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 2007-5, Sec. 10.)

14.08.06 Penalty for non-compliance Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to:

- A. Issue cease and desist orders on non-compliant floodplain development projects;
- B. Issue citations for non-compliance;
- C. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
- D. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.
 - 1. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.

2. Any person found, in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than Five Hundred Dollars (\$500.00) per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case. (Ord. No. 2007-5, Sec. 11.)

CHAPTER 14.12

MOBILE HOMES

Sections:

- 14.12.01 Mobile homes in approved trailer parks
- 14.12.02 Amendments to the Zoning Ordinance

14.12.01 Mobile homes in approved trailer parks

- A. That any mobile home hereafter being brought to the city of Decatur shall be required to be placed within the boundaries of an approved trailer park that has been previously approved by the City Council for the city of Decatur, Arkansas, and designated and zoned for that purpose.

- B. The term Mobile Home shall mean a non-self-propelled vehicular mobile structure used or so constructed as to permit its being transported upon the public streets or highways and duly licensable as such, and designed to be used with or without a permanent foundation, as a dwelling or for sleeping purposes.

The terms mobile home shall expressly exclude from its coverage, camper trailers and other similar vehicles not intended to be used as dwellings. (Ord. No. 86-1, Sec. 1.)

- C. Any person who violates any provision of this ordinance, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) and each days failure of compliance with any such provision shall constitute a separate violation.
- D. The City Council shall have the power to hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance, and due to location and surrounding property owners acceptance. (Ord. No. 83-3, Secs. 1-5.)

14.12.02 Amendments to the Zoning Ordinance

- A. That the title of Section 6.6, Mobile Homes, should be amended to read as follows: 6.6 Mobile Homes and Manufactured Structures.

- B. That Section 6.6, paragraph a., should be amended to read as follows:

Mobile homes shall be allowed on individual lots in mobile home subdivisions (subject to Planning Commission review and approval) in the Agricultural (A) District or the Residential (R) District (subject to Planning Commission review and approval) and shall conform to the following requirements:

- C. That Section 6.6, a.4, should be amended to read as follows:
1. No more than one (1) mobile home may be placed on a standard residential lot in a mobile home subdivision.
 2. No unit manufactured fourteen (14) years prior to the application date will be allowed to be placed in an Agricultural District, Residential District or in a mobile home subdivision.
- D. That definition 9.4 under Section 9. Definitions be amended to read as follows:
- 9.4 Dwelling, Mobile Homes and Manufactured Structures

A detached residential dwelling unit designated for transportation on streets or highways on its own wheels or on a flatbed or other trailer, and arriving at the site where it is to be complete and ready for occupancy except for minor and incidental unpacking, assembly operations and attachment to suitable tie down footings. (Ord. No. 93-01, Secs. 1-4.)

CHAPTER 14.16

ANNEXING , VACATING AND REZONING PROPERTY

Sections:

- 14.16.01 Annexing property
- 14.16.02 Vacating property
- 14.16.03 Rezoning property

14.16.01 Annexing property

- Ord. No. 76-3 West Street
- Ord. No. 77-1 Plat of Developers, Inc. 2nd addition
- Ord. No. 77-3 Part of North Street
- Ord. No. 5-D S ½ of NE ¼ of SW ¼ of Section 12, Twn 19 N, Range 33
- Ord. No. 80-1 S ½ of NE ¼ of NE ¼ of Section 10, Twn 19 N., Range 33
- Ord. No. 89-93 Part of Section 1, Twn 19 N., Range 33 West
- Ord. No. 90-01 Dedicated streets and easements on Twin Pines Subdivision
- Ord. No. 92-01 Industrial Tracts 1 & 2
- Ord. No. 95-05 NW ¼ of SW ¼ of Section 11, Twn 19 N., Range 33
- Ord. No. 2008-3 Part of SW ¼ of Twp 19 N, Range 33 West
- Ord. No. 2022-11 Part of Tract 1 of the SE ¼ of SE ¼ of SE ¼ of Section 34, Twn. 20 N., Range 33 West; and Part of NE ¼ of NE ¼ of Section 3, Twn. 19 N., Range 33 West
- Ord. No. 2022-11 Part of NE ¼ of NE ¼ of Section 3, Twn. 19 N., Range 33 West
- Ord. No. 2022-11 Part of NW ¼ of NE ¼ of Section 3, Twn. 19 N., Range 33 West
- Ord. No. 2022-11 Part of NW ¼ of NE ¼ of Section 3, T-19-N, R-33-W
- Ord. No. 2022-11 Part of S ½ of SE ¼ of Section 34, Twn. 20 N., Range 33 West
- Ord. No. 2022-11 Fractional NW ¼ of NW ¼ of Section 2, Twn. 19 N., Range 33 West
- Ord. No. 2022-11 S ½ of NE ¼ of NW ¼ and the SE ¼ of NW ¼ all in Section 2, Twn. 19 N., Range 33 West
- Ord. No. 2022-12 Beginning at SE Corner of SW ¼ of SE ¼ of Section 10, T19N, R33W, along the South line of SW ¼ of SE ¼ of Section 10, to the North line of SW ¼ of NE ¼ of Section 10, to the NE corner of SW ¼ of NE ¼

14.16.02 Vacating property

Ord. No. 27	Part of NE 1/4 of SE 1/4 of Section 11, Twn 19 N, Range 33
Ord. No. 25	SE corner of Lot 3 in Block 3 of Decatur
Ord. No. D-19	NW corner of SW 1/4 of SE 1/4 Section 11, Twn 19 N, Range 33
Ord. No. D-15	Sixth Street in Decatur lying No. of Hill Street
Ord. No. D-14	Portion of 5th St. No. and So. lying between Lot 5 and Lot 1
Ord. No. D-10	East Street beginning at NE corner of Lot 8, Block 4
	Ann Street between Lots 13 and 14 in Block 4
	Alley through Blocks 4 and 5 in Decatur

Ord. No. 74-1	Buckner Street between S Third and Highway No. 59
Ord. No. 75-1	Part of NW 1/4 of NE 1/4 of Section 14, Twn 19 N, Range 33 Part of NE 1/4 of NE 1/4 of Section 14, Twn 19 N, Range 33 Part of NW 1/4 of NE 1/4 of Section 14, Twn 19 N, Range 31
Ord. No. 76-2	Portion of West Street Part of West Maple Street
Ord. No. 77-2	Part of SW 1/4, SE 1/4 Section 11, Twp 19 N, Range 33
Ord. No. 79-2	Part of NE 1/4 of SE 1/4 of Section 11, Twp 19 N, Range 33 Part of NE 1/4 of SE 1/4 of Section 11, Twp 19 N, Range 33 Part of Block 5, Section 11, Twp 19 N, Range 33 West Part of Block 8, Section 11, Twp 19 N, Range 33 West
Ord. No. 80-6	East Street lying e. of Block 8 in Decatur
Ord. No. 86-5	Part of S 18 of Lot 6, Part of Lot 7, part of South Street
Ord. No. 87-5	Lots 1,2,3,4,5,6, and N 1/2 of Lot 7 in Block 15 & 16
Ord. No. 88-4	Alley No. & So. between Lots 4 through 15 in Block 15
Ord. No. 90-2	SW corner of Lot 5, Block 8, Corner Springs Addition
Ord. No. 92-1	Part of 5th Street NW corner of Lot 5, Block 15, Corner Springs Addition Leslie Avenue Part of Buckner Avenue Part of Spring Avenue
Ord. No. 94-3	SE corner of Lot 1, Block 10 of Corner Springs Addition NW corner of Lot 12, Block 10 of Corner Springs Addition
Ord. No. 95-1	NE corner of Lot 2, Block 6 of Town Plat
Ord. No. 96-2	Street west side of Block 11 & 12 in Corner Springs Addition
Ord. No. 2006-3	W 1/4 of Sec. 7, Twp 19 N, Range 32 West Sec. 12, Twp 19 N, Range 33 West NE 1/4 of Sec. 13, Twp 19 N, Range 33 West NE 1/4 of Sec. 13, Twp 19 N, Range 33 West Part of SE 1/4 of Sec. 1, Twp 19 N, Range 33 West
Ord. No. 2008-8	Industrial Park Street

14.16.03 Rezoning property

Ord. No. 91-1	From R to A	Part of SE 1/4 of Sec 11, Twn 19 N, Range 33 W
Ord. No. 90-3	From R to A	Part of SE 1/4 of Sect 11, Twn 19 N., Range 33
Ord. No. 89-5	From R to I	Part of Lots 5 through 41 in York City Subdivision
Ord. No. 94-6	From R to I	Lots 6 & 7 of Block 6 of Decatur
Ord. No. 94-2	From C-2 to R	Parts of Lots 2 & 5 in Ozark Orchard
Ord. No. 96-5	From R to C-1	Part of NE 1/4 of Sec11, Twn 19 N, Range 33
Ord. No. 99-6	From I to C-1	Lots 11, 12, 13, 14, 15, & 16 of Bl 10, Corner Sprs
Ord. No. 2002-2	From R-1 to C-2	Part of Lots 18,22,35 & 36, Ozark Orchard Sub.
Ord. No. 2003-4	From R-1 to C-1	Lot 2 of Wesley and Pearle Stabel
Ord. No. 2005-5	From R to R-2	Part of NW 1/4 of Sec. 11, Twp 19 N, Range 33

West

Ord. No. 2022-14	From R-3 to I-1	Lots 3, 4, 5 in G.W. Edmiston's Subdivision, part of SW ¼ of SE ¼ of Section 11, Twn. 19 N., Range 33 West
Ord. No. 2022-15	From A to PUD	Fractional NW ¼ of NW ¼ of Section 2, Twn. 19 N., Range 33 West
Ord. No. 2022-16	From A to PUD	SE ¼ of NW ¼ of Section 2, Twn. 19 N., Range 33 West
Ord. No. 2022-17	From A-1 to PUD	PT SW SW & PT NW SW and PT W ½ NW SW BEG W104' SE/C N140' W104' S140' E104' to POB less and except Part of SW ¼ of SW ¼ of Section 2, Twn. 19 N., Range 33 West

CHAPTER 14.20

SALE OF ALCOHOL, ZONING REGULATIONS

Sections:

- 14.20.01 General
- 14.20.02 Alcohol Sales Permit
- 14.20.03 Alcohol Sales Regulations and Alcohol Specific Zoning Requirements

14.20.01 General

1. Pursuant to the terms of AC.A. § 3-9-203, the sales and consumption of alcoholic beverages for on premises consumption is hereby authorized for establishments within the City of Decatur, subject to approval by the Decatur City Council.
2. Said sales and on premises consumption shall be conducted in compliance with all applicable Arkansas Statutes and all applicable regulations of the Alcoholic Beverage Control Division of the Arkansas Department of Finance and Administration.
3. Any business in the city holding an alcoholic beverage control permit issued pursuant to AC.A. § 3-9-211 and/or 3-9-212 (also known as a "hotel/motel/restaurant mixed drink permit") and receiving approval by the City Council of Decatur, Arkansas, is hereby authorized to allow the sale and consumption of alcoholic beverages on the premises no later than 2:00 a.m. as authorized under Arkansas Alcoholic Beverage Control regulation 3.19(3)(A), subject to the provisions of this ordinance. (Ord. No. 2018-09, Sec. 1.)

14.20.02 Alcohol Sales Permit

- (a) In addition to submitting an application for a permit, transfer of business location, or change in type of business operation to the Arkansas Beverage Control Division, the applicant must also submit an application to the City of Decatur for approval.

Said application shall be made available at City Hall and the Decatur Police Department.

- (b) Completed applications should be submitted to the Chief of Police at the Decatur Police Department. Applications shall be reviewed for compliance by the Police Department to ensure that all required information is contained in the application. Applications shall be verified within 30 days of their receipt by the Chief of Police, unless extenuating circumstances apply which require more information or assistance from the applicant.
- (c) The application shall be submitted with a one-time, non-refundable application fee in the amount of \$250.00. This fee is completely separate from any licensing fees which may later be due to the city to operate a business in the City of Decatur.
- (d) Once the completed application has been verified by the city, the applicant will be notified to request that the City Clerk place the application on the City Council agenda for consideration. If applicant does not submit the verified application to the council for approval within 60 days of the application being verified, it shall be deemed denied. If an application is deemed denied for lack of action by applicant, applicant must wait six months before submitting another application. (Ord. No. 2018-09, Sec. 2.)

14.20.03 Alcohol Sales Regulations and Alcohol Specific Zoning Requirements

A. General Provisions

1. Applicability. The definitions, terms and provisions of A.C.A. Title 3 Alcoholic Beverages (A.C.A. §3-1-101 et seq.) relating to beer, wine and liquors are hereby adopted and made a part of this ordinance. Applicants for and holders of permits and other persons shall conform to the regulations set forth in A.C.A. Title 3 (A.C.A. §3-1-101 et seq.) and to the provisions of this ordinance.
 - a) It shall be unlawful for any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing, either at wholesale or retail, any controlled beverage, within the City of Decatur without the appropriate permit issued by the Division of Alcoholic Beverage Control of the State of Arkansas.

- b) It shall be unlawful to sell, offer for sale, or give away, at wholesale or retail for consumption on or off the premises, alcoholic beverages of every kind and type on those days or hours prohibited by A.C.A. Title 3 (A.C.A. §3-1-101 et seq.)
- c) The provisions of this section shall not apply to the home manufacture of wines or beer for personal use by residents of the City of Decatur and not for sale or distribution outside of the home.

NOTE: Conditional use approval by the planning commission as described below is a separate and additional process from the alcohol application being approved by the city council. It is recommended that applicants subject to conditional use approval approach the planning commission first.

B. Establishment Types (as defined by Arkansas Alcoholic Beverage Control)

1. Establishments - On Premise Consumption

- a) Restaurant, Hotel or Motel - The retail sales of alcoholic beverages for consumption on the premises shall be allowed by right in the zoning districts of C-2 and C-1.
- b) Bars, Pubs, Clubs, and Lodges - The retail sales of alcoholic beverages for consumption on the premises shall be subject to conditional use approval by the Decatur Planning Commission in the zoning districts of C-1 and C-2 as described below.

2. Packaged Retail Sales – Off Premise Consumption

- a) Beer, Wine and Spirits – Districts Permitted. The packaged retail sales of beer, wine, and spirits of every kind and type for consumption off the premises shall be allowed by right in the zoning districts of C 1 and C2.

3. Wholesale Manufacture and/or Distribution. The wholesale manufacture and/or distribution of intoxicating liquors to include alcoholic beverages of every kind and type shall be allowed by right in the Industrial districts and with the approval of a Conditional Use Permit in the C 1 or C2.

4. Microbrewery-Restaurant. A microbrewery-restaurant as defined by the Division of Alcoholic Beverage Control of the State of Arkansas, shall be allowed in C 1, C2, and Industrial districts.

Conditional use approval procedure:

- A. A request for conditional use approval must be submitted to the planning commission in compliance with the planning commissions procedures. In addition, Public Notice of Hearing shall be advertised by the applicant in a paper of general circulation at least one (1) time fifteen (15) days prior to the application being presented to the Planning Commission. Additionally, notification must be served to all adjoining property owners by certified mail with return receipt. A list of adjacent property owners and proof of mailing are required to be submitted to the City by applicant prior to the planning commission hearing. Extra costs, such as advertising, will be the responsibility of the applicant. (Ord. No. 2018-09, Sec. 3.)