

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. 13 - 2023

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO AMEND ORDINANCE NO. 07-1963 (AS AMENDED) FOR THE PURPOSE OF INCLUDING NEW LAND USE DEFINITIONS AND AMENDMENTS TO THE PERMITTED AND CONDITIONAL USE LEGEND THE VAN BUREN ZONING ORDINANCE

WHEREAS, the City adopted Ordinance 07-1963 relating to the zoning laws of the city of Van Buren, providing definitions, general provision; provisions governing zoning districts, exceptions and modifications, enforcement, and a Board of Adjustment, as allowed by A.C.A. 14-56-401 *et. seq.*; and

WHEREAS, it has been determined by the City Council that there is a need to add provisions for certain land uses to be included in Industrial zone districts; and

WHEREAS, notice of a Public Hearing was duly published, and Public Hearings were conducted by the Van Buren Planning Commission on February 7, 2023, and March 7, 2023, to consider these proposed amendments; and

WHEREAS, the proposed changes herein were recommended by a majority vote of the entire Planning Commission; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS THAT:

SECTION 1: Article II (Definitions), of Ordinance 7-1963 (as amended) is hereby amended to add the following definitions:

Bus, truck and tractor sales and service means a use that sells and services buses and large trucks normally used for commercial purposes such as tandem axle and tractor trailers but does not include a salvage yard as the primary or accessory use to the business.

Commercial, industrial machinery, and equipment (sales, service, rental, and leasing) means a business which sells, services, rents or leases heavy equipment used for construction, mining, or forestry, earthmoving equipment, farming, well-drilling machinery and equipment, or cranes but does not include a salvage yard as the primary or accessory use to the business.

Home improvement center means a facility engaged in the retail sale of various basic hardware lines, such as tools, lumber, builder's hardware, household appliances, lawn and garden supplies, etc.

Lumber yard and building materials means a facility which principal business is storing and selling cut lumber and associated accessory building materials.

Manufactured home and mobile home sales and service facility means a facility for the sale and service of mobile homes, manufactured homes, and travel trailers but does not include a salvage yard as the primary or accessory use to the business.

Motor freight terminals means a facility for freight loading and freight storage.

Oil and gas field equipment, sales, and rental yard, means an open area devoted to the storage of large oil field equipment and the offering of the same for sale or rent but does not include a salvage yard as the primary or accessory use to the business.

Tire sales means a facility where the principal business is the sale or installation of new, used, or retreaded tires and tubes.

Travel trailers and recreation vehicles sales and service facility means a facility for the sale and service of travel trailers, recreational vehicles such as motorhomes, campervans, coaches, caravans, fifth-wheel trailers, pop-up campers and similar items but does not include a salvage yard as the primary or accessory use to the business.

SECTION 2: The Permitted and Conditional Use Legend is amended as set forth in attachment "A" hereto.

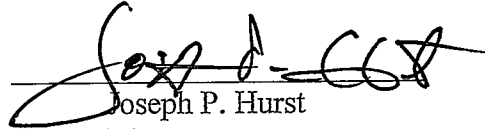
SECTION 3: Any existing business not in compliance with these amendments that has been issued a building permit or a business license shall be "grandfathered" and allowed to continue as nonconforming.

SECTION 4: The various provisions and parts of this Ordinance are hereby declared to be severable, and, if any section or part of a section, or any provision or part of a provision herein, is declared to be unconstitutional, inappropriate, or invalid by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this Ordinance and to that extent the provisions hereto are declared to be severable.

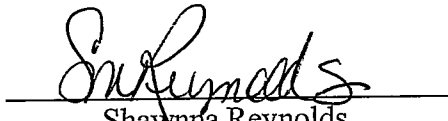
IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of 6 for and 0 against, the foregoing Ordinance at its regular meeting held on the 27th day of March 2023.

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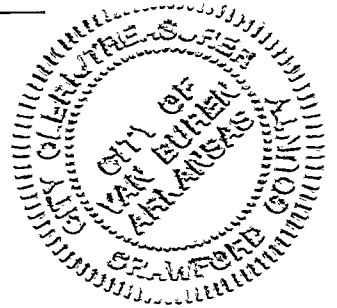

Joseph P. Hurst
Mayor

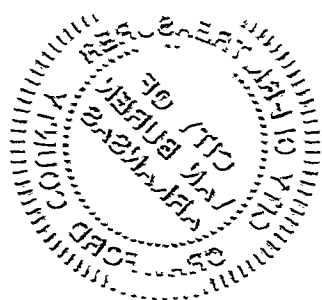
ATTESTED:


Shawnta Reynolds
City Clerk/Treasurer

APPROVED AS TO FORM:


Jacob Howell
City Attorney





access off of Starbird Street was made by Commissioner Jason Myers and seconded by Commissioner Mason Shirey. The motion was approved unanimously.

Members of the public present for this rezone were: Sue Walker of 624 Starlite Bend and Mary Kay Dutton of 623 Starlite Bend. Ms. Walker stated to the Commission that she is opposed to driveway access coming off of Starbird Street because it is a very narrow one-lane street as well as it being the only way in or out for the property owners that live on Starbird Street and Starlite Bend. The applicant, Mr. Yarbrough of M & T Equity, Inc; stated that they would rather access the property from Hwy 59. Mr. Yarbrough also stated that they plan to improve the deep ditch along Hwy 59, which will greatly improve the drainage problem on Starbird Street.

7. Zoning Code Amendment To The Permitted and Conditional Use Legend Concerning Sales & Service of RVs, Heavy Equipment, Buses, Large Trucks, Etc. In Industrial Districts. A motion to approve recommendation to City Council was made by Vice-Chairman Philip Bagby and seconded by Commissioner Jason Myers. The motion was approved unanimously. This amendment will allow sales and service of larger items in Industrial Districts instead of only in Commercial Districts.

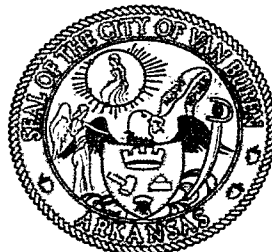
8. Building Code Discussion—Amending Re-Roofing Requirements. Mike Overzat of Luck Roofing requested the Building Code include an amendment that when a roof covering of a building has more than 25% of the roof replaced in any 12-month period that the entire roof covering be replaced. Discussion was held at this meeting to see whether the Commission wants to proceed with making an amendment to the building code.

9. Old/New Business.

10. Adjourn. A motion to adjourn was made by Commissioner Jason Myers and seconded by Commissioner Mason Shirey. The motion was approved unanimously.

Andy Dibble, Chairman

Wally Bailey, Planning Director



Van Buren
Permitted and Conditional

X = Permitted Use C = Conditional Use (must be approved by planning commission)	Residential - 1	Residential - 2	Residential - 3	Residential - 4	Residential - 5	Commercial - 1	Commercial - 2	Industrial - 1	Industrial - 2	Historic District	Open - 0-1
Detached one family dwelling	X	X	X		X						X
Manufactured Homes (See Section 3-B)					X						
Two family dwellings		X	X								C
Multi-family dwellings			X								C
Churches	C	C	C			C	X	C	C	C	C
Schools offering a general education course	X	X	X		X	C	C	C	C	C	
Library	X	X	X			C	C	C	C	C	
General purpose farm, garden, or nursery	X	X	X	C		C	C	C	C	C	X
Private club not conducted for profit	X	X	X			C	C	C	C	C	C
Municipal recreation or water supply use	X	X	X	C		C	C	C	C	C	C
Accessory structures and uses pertinent to the principal structure and use	X	X	X		X						X
Parks, playgrounds, etc.	C	X	X	C	X	C	C	C	C	C	X
Kindergartens (public or private), day care	C	X	X	C	X	C	C	C	C	C	C
Hospitals, nursing homes, doctor, and dental clinics, etc.		C	C	C	C	X	X	X	X	X	
Mobile home parks				X							
Mobile home park accessory and service buildings				X							
Retail establishments providing goods and services such as grocery, drug, hardware, variety stores and similar uses, and hotels, motor hotels, restaurants						X	X	C	C	X	
Office and bank buildings and uses						X	X	C	C	X	
Processing and manufacturing that by reason of operation are not a nuisance in respect to noise, odor, dust, vibration, etc.						X	X	X	X	X	
Wholesaling and warehousing						X	X	X	X	X	
Bulk storage and non-combustible materials						X	X	X	X	X	
Automotive service, repair, and storage, provided that wrecked or salvaged vehicles are stored inside a building or are enclosed by a solid fence and not visible to the public from the street or sidewalk						X	X	X	X	X	
The manufacturing, compounding, processing, packaging or assembling of those products that will require the smaller sized, cleaner and more quiet industries and will involve a minimum of noise, dust, odor, or vibrations							C	X	X	C	
The storage of bulk materials that will not endanger the health, safety and general welfare of the people						C	C	X	X	C	
Retail uses that are accessory to the operation and other essentially similar uses such as animal hospitals, repair shops, transportation terminals, wholesale outlets, farm machinery sales, lumber yards, restaurants, and service stations						C	C	X	X	C	
Single mobile homes on a lot where it may be advantageous to the industrial development of the area provided said lot is at least 40 feet by 90 feet								X	X		

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The manufacture of heavy, raw products and those operations that are generally objectionable to residential business uses; including animal and poultry slaughter, foundries, sawmills and junk yards								C	X		
Public facilities and utilities											X
Home based business	C	C	C	C							C
On-site real estate sales office	C	C	C	C							
Indoor Firing Range							C	C	C		
Single and two-family residences subject to restrictions										X	
Recreational Vehicle (RV) Parks				C	C		C				
Retail Pharmacy						X	X	X	X	X	
Homeless Shelter/Transitional dwelling							C	C	C		
Mini-Storage Facilities							C	X	X		
Commercial Communication Towers	C	C	C	C	C	C	X	X	X		
Hogs, Goats, Sheep, Cattle and Horses	C	C	C	C	C		C	C	C		C
Recycling center							C	C	C		
Salvage business							C	C	C		
Bus, Truck and Tractor Sales and Service							C	X	X		
Commercial, Industrial machinery, and equipment (sales, service, rental, and leasing (salvage yard not permitted)							C	X	X		
Home Improvement Center							X	X	X		
Lumber Yard and building materials							C	X	X		
Manufactured Home and mobile home sales and service (salvage yard not permitted)							C	X	X		
Motor freight terminals							C	X	X		
Oil and gas field equipment, sales, and rental yard (salvage yard not permitted)							C	X	X		
Tire sales							X	X	X		
Travel trailers and recreation vehicle sales and service (salvage yard not permitted)							C	X	X		

City of Van Buren, Arkansas

Municipal Annex

111 North 12th Street • Van Buren, Arkansas 72956

VAN BUREN CITY COUNCIL MEMORANDUM

TO: MAYOR JOE HURST AND CITY COUNCIL
FROM: WALLY BAILEY, PLANNING DIRECTOR
SUBJECT: INDUSTRIAL DISTRICTS – ADDITION OF LAND USES THAT PERMIT SALES AND SERVICE
DATE: MARCH 21, 2023

The City's zoning ordinance does not recognize or allow sales and service of items in the Industrial Districts. Many uses fit better in an Industrial District than they do in a Commercial District. There are also some uses that because of the nature of their sales should be allowed in Industrial Districts. Currently, the C-2 district is the only district that permits retail sales.

We presented to the Planning Commission amendments to the zoning ordinance that will permit ("P") the sales, service, rental and leasing of several items in Industrial Districts. Additionally, some uses are identified as a conditional use ("C") because of the potential that they could have on neighboring properties or a corridor when located in C-2 zones.

I have attached a copy of the proposed amendment to the land use chart and definitions for several items not previously listed in the permitted and conditional land use chart. Some items could have such an impact that they will be considered as conditional use in the C-2 zoning districts but permitted uses in the Industrial Districts.

The proposed ordinance also includes a section recognizing any business that may have been issued a building permit or a business license before the effective date of this ordinance.

The Planning Commission reviewed these amendments at their February and March meetings. The Planning Commission unanimously voted to recommend these changes to the City Council so that the Zoning Ordinance may be amended.

Please contact me if you have any questions.

Definitions for Proposed New Uses to the Permitted and Conditional Use Chart

Bus, truck and tractor sales and service means a use that sells and services buses and large trucks normally used for commercial purposes such as tandem axle and tractor trailers but does not include a salvage yard as the primary or accessory use to the business.

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Proposed Amendments to the Zoning Code Permitted and Conditional Use Chart

	C-2	I-1	I-2
Bus, truck and tractor sales and service (salvage yard not permitted)	C	X	X
Commercial, industrial machinery, and equipment (sales, service, rental, and leasing) salvage yard not permitted	C	X	X
Home improvement center	X	X	X
Lumber yard and building materials	C	X	X
Manufactured home and mobile home sales and service (salvage yard not permitted)	C	X	X
Motor freight terminals	C	X	X
Oil and gas field equipment, sales, and rental yard (salvage yard not permitted)	C	X	X
Tire sales means a facility where the principal business is the sale or installation of new, used, or retreaded tires and tubes.	X	X	X
Travel trailers and recreation vehicles sales and service (salvage yard not permitted)	C	X	X

City of Van Buren, Arkansas

Planning Commission

1003 Broadway • Van Buren, Arkansas 72956

PLANNING COMMISSION MINUTES

March 7, 2023

1. Call To Order. The Van Buren Planning Commission held its monthly meeting on Tuesday, March 07, 2023, at 5:30 P.M. The meeting was held at the Municipal Complex in the City Council Chambers.

2. Roll Call. The following Commissioners were present: Chairman Andy Dibble, Vice-Chairman Philip Bagby, Mark Evans, Missy Hefner, Jason Myers, Mason Shirey, Jay White, and Nathan Wilson. Commissioner Tiffany Webster was absent. City staff present were Planning Director Wally Bailey, City Inspector David Martin, and Secretary Jennifer Willoughby. Present for Agenda Item #4: Ricky Hill and Dana Rosa of Satterfield Land Surveyors, Joey Marrone of Bigmuch Holdings, LLC. Present for Agenda Item #5: Ricky Hill and Dana Rosa of Satterfield Land Surveyors, Joey Marrone of J & S Construction, Inc. Present for Agenda Item #6: Ricky Hill and Dana Rosa of Satterfield Land Surveyors, Travis Yarbrough of M & T Equity, Inc; and Chad Cox of Empire Construction.

3. Approval Of Minutes From February 7, 2023. A motion to approve was made by Commissioner Jay White and seconded by Vice-Chairman Philip Bagby. The motion was approved unanimously.

4. Variance #3-2023—629 Poplar Street—Satterfield Land Surveyors/Bigmuch Holdings, LLC; Requesting Variance From Minimum Lot Size and Minimum Front Yard Setback in R-2 Zone. A motion to approve was made by Vice-Chairman Philip Bagby and seconded by Commissioner Jay White. The motion was approved unanimously. A variance from 25 feet to 20 feet front yard setback for Lot 20A and Lot 21A and a variance from 9,000 sq ft minimum lot size to 8,061.81 sq ft for Lot 20A and 7,225.75 for Lot 21A was approved because of an existing hardship—very steep terrain makes it difficult to meet the setback and lot size requirements.

5. Rezone #3-2023—Lots 10 & 11 North Hills Addition—Satterfield Land Surveyors/J & S Construction, Inc; Rezone Request From R-1 To R-2. A motion to deny recommendation to City Council was made by Commissioner Jason Myers and seconded by Commissioner Missy Hefner. Commissioner Mark Evans opposed the motion to deny; all other Commissioners approved the motion.

Members of the public that spoke in opposition to this rezone were: Bill and Kay Rogers of 502 Azure Hills, Mark and Kim Fimpel of 1414 North Hills Blvd, Robert Calhoun of 1501 North Hills Blvd, Ed and Maggie Espinosa of 1407 North Hills Blvd, as well as Dan Pfnister of 501 Kitty Hawk. The primary response given by the surrounding property owners was that they do not want the rezone to pass. They believe duplexes built in the neighborhood will bring property values down. Commissioner Jason Myers made the motion to deny in light of public comments made against the rezone.

6. Rezone #2-2023—507 Starbird Street—Satterfield Land Surveyors/M & T Equity, Inc; Rezone Request From R-1 To C-2. A motion to approve recommendation to City Council with the condition of no