

# City of Van Buren, Arkansas Planning Commission

1003 Broadway • Van Buren, Arkansas 72956

Van Buren Municipal Complex—City Council Room  
Tuesday, January 07, 2025  
5:30 PM

## PLANNING COMMISSION AGENDA

1. Call To Order/Roll Call.
2. Approval Of Minutes From December 03, 2024.
3. Conditional Use Permit #1-2025—1117 Breckenridge Dr & 1909 Durango Dr—Gary Six/Six Star Armory; Requesting Homebased Business Of Firearm Sales In R-1 Single Family Residential District.
4. Public Hearing—Amendments To The Zoning Ordinance.
5. Old/New Business.
6. Adjourn.



# City of Van Buren, Arkansas

## Planning Department

1003 Broadway • Van Buren, Arkansas 72956

### PLANNING COMMISSION MINUTES

December 03, 2024

1. **Call To Order/Roll Call.** The Van Buren Planning Commission held its monthly meeting on Tuesday, December 03, 2024, at 5:30 P.M. The meeting was held at the Van Buren Municipal Complex in the City Council Chambers. The following Commissioners were present: Chairman Mark Evans, Vice-Chairman Philip Bagby, Jared Clark, Missy Hefner, Jason Myers, Mason Shirey, and Nathan Wilson. Commissioners Tiffany Webster and Jay White were absent. City Staff present were Planning Director Wally Bailey, City Inspector David Martin, Commission Secretary Jennifer Willoughby, and Steve Dufresne & Chris Coombes of VBMU.

2. **Approval Of Minutes From November 05, 2024.** A motion to approve was made by Commissioner Jason Myers and seconded by Commissioner Mason Shirey. The motion was approved unanimously.

3. **Variance #2-2024—45 Vista Hills Blvd—Wayne & Melanie Carson; Requesting Variance From Front Yard Building Setback Requirements In R-1 Single Family Residential District.** A motion to approve variance request contingent upon front porch remaining open and never being enclosed was made by Vice-Chairman Philip Bagby and seconded by Commissioner Missy Hefner. Commissioners Jared Clark and Mason Shirey also approved the motion. Commissioners Jason Myers and Nathan Wilson opposed the motion.

The Carsons porch is proposed to encroach into the front yard setback requirement by 9 feet. The property is located in the Vista Royale subdivision which was platted with a 30' front yard setback. This is why the variance request is for 9 ft and not 4 ft. After much debate and concern over setting precedent for future variance requests, the majority of the Commission voted to approve the variance contingent that the porch shall never be enclosed (including no lattice on the sides).

4. **Amendment To Ord. No. 31-2028 Regarding Animals And Fowl Inside City Limits—Jim Jones; Amend To Prohibit Roosters In City Limits.** A motion to recommend to city council an ordinance amendment to prohibit roosters in city limits was made by Commissioner Jason Myers and seconded by Vice-Chairman Philip Bagby. The motion was approved unanimously.

2A.

The Commission asked Mr. Bailey to begin a discussion about changing the city ordinance to prohibit roosters after the November 2024 meeting when they heard from a citizen with concerns about roosters in the city limits. Mr. Bailey conducted a survey of some neighboring and regional cities on whether or not they have restrictions on roosters in their city limits. Mr. Bailey presented that information to the Commission. The Commission voted to recommend changing the ordinance to prohibit roosters in city limits.

**5. Old/New Business.**

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

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Mark Evans, Chairman

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Wally Bailey, Planning Director



*2.B.*

# City of Van Buren, Arkansas Municipal Complex

1003 Broadway • Van Buren, Arkansas 72956

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## PLANNING COMMISSION CONDITIONAL USE MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** WALLY BAILEY, PLANNING DIRECTOR  
**SUBJECT:** PROPOSED HOME BASE BUSINESS – FIREARM SALES IN A R-1SF DISTRICT AT 1117 BRECKENRIDGE DR/1909 DURANGO DR  
**DATE:** DECEMBER 30, 2024  
**CC:**

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**APPLICANT(S):** Gary Six

**REASON FOR CONDITIONAL USE:** To establish a home-based business of Fire sales with an approved Federal Firearms License (FFL)

### SITE DATA

**Location.** 1117 Breckenridge Dr / 1909 Durango Dr

**Existing Structures.** Single family home with detached building.

**Current Zoning** R-1 Family Residential District

**Adjacent Zoning and Land Uses:** single family

**Master Land Use Plan** The 2009 Master Land Use Plan shows this property within an area classified as Residential.

**Master Street Plan.** Breckenridge is a Collector Street and Durango is a local street.

**Flood Plain.** No

**Public Improvements.** N/A

### ***Purpose and Intent of Conditional Uses [Article VI, Section 4 (a)]:***

Certain uses are considered as conditional because of the potential harmful effects the use can cause to nearby property and because the requirements needed to eliminate those harmful effects vary from site to site. Thus, the Planning Commission, in considering each conditional use request, will review the overall compatibility of the planned use with surrounding property as well as such specific items as screening, parking, and landscaping to make sure that no harmful effects occur to nearby property.

3A.

*Development Standards and Review Guidelines, [Article VI, Section 4, (e)]*

The following development standards and design specifications shall be the basis for approval of a conditional use:

- (1) The design, location and operating plans shall be such that the safety of the public is protected.
- (2) The proposed land use will not adversely affect nearby property.
- (3) The size and shape of the site and the size, shape and arrangement of structures meet the minimum requirements of this ordinance.
- (4) The entrances and exits, internal street system, off-street parking, loading facilities and pedestrian walks are adequate for the purpose proposed.
- (5) Nearby property shall be protected from excess fumes, lighting, noise, glare, dust, and odor.
- (6) Necessary landscaping and screening required to meet the intent of this ordinance shall be provided.
- (7) Open space shall be maintained by the owner.
- (8) Signage will not be obtrusive or distracting so as to distract from the character of the neighborhood or be a nuisance to those living or working therein.

**STAFF COMMENTS:**

The Permitted and Conditional Land Use Legend indicates that a Home-Based Business is a conditional use in the Residential zones.

Mr. Six has submitted a packet of information that outlines how he will operate the business. The packet also includes a copy of the restrictive covenants for your review. I asked Mr. Six a question about the second address on the property and the restriction in his restrictive covenants. I have attached his email response and the email response from Shannon Scott with WAPDD.

I have also included a copy of Arkansas law governing the approval of home-based businesses in Arkansas.



## Wally Bailey

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**From:** Gary Six <garysix@att.net>  
**Sent:** Monday, December 30, 2024 5:43 PM  
**To:** Wally Bailey  
**Cc:** Jennifer Willoughby  
**Subject:** Re: [External] 1909 Durango/1117 Breckenridge

Wally,

For question one, I intend to run the business from the detached garage with the 1909 Durango Dr address. I feel that what I'll be doing is actually less business than persons who work from home. As for question 2 I have not reached out to WAPDD. I will do that tomorrow though. I do appreciate the input.

Sincerely,

-Gary Six

On Dec 30, 2024, at 4:11 PM, Wally Bailey <wbailey@vanburencity.org> wrote:

Gary,

A couple of questions about your application.

1. Item #26 of the restrictive covenants indicate that no business shall be operated or located at any residence. Have you researched this and are you prepared to address any questions regarding this restriction?
2. Your application includes two addresses. Have you cleared both addresses with WAPDD which issues all 911 addresses for Van Buren?

Thanks,

Wally Bailey  
City of Van Buren  
Municipal Complex  
1003 Broadway  
Van Buren, AR 72956  
(479) 471-5006

“He who fails to plan is planning to fail.”  
-Winston Churchill

**From:** Gary Six <garysix@att.net>  
**Sent:** Monday, December 2, 2024 12:18 PM  
**To:** Wally Bailey <wbailey@vanburencity.org>  
**Subject:** Re: [External] 1909 Durango/1117 Breckenridge

Wally,

For the Conditional Use application, does the 15 copy requirement include the site plan, the list of property owners within 300 feet and the description of the proposed use?

Sincerely,

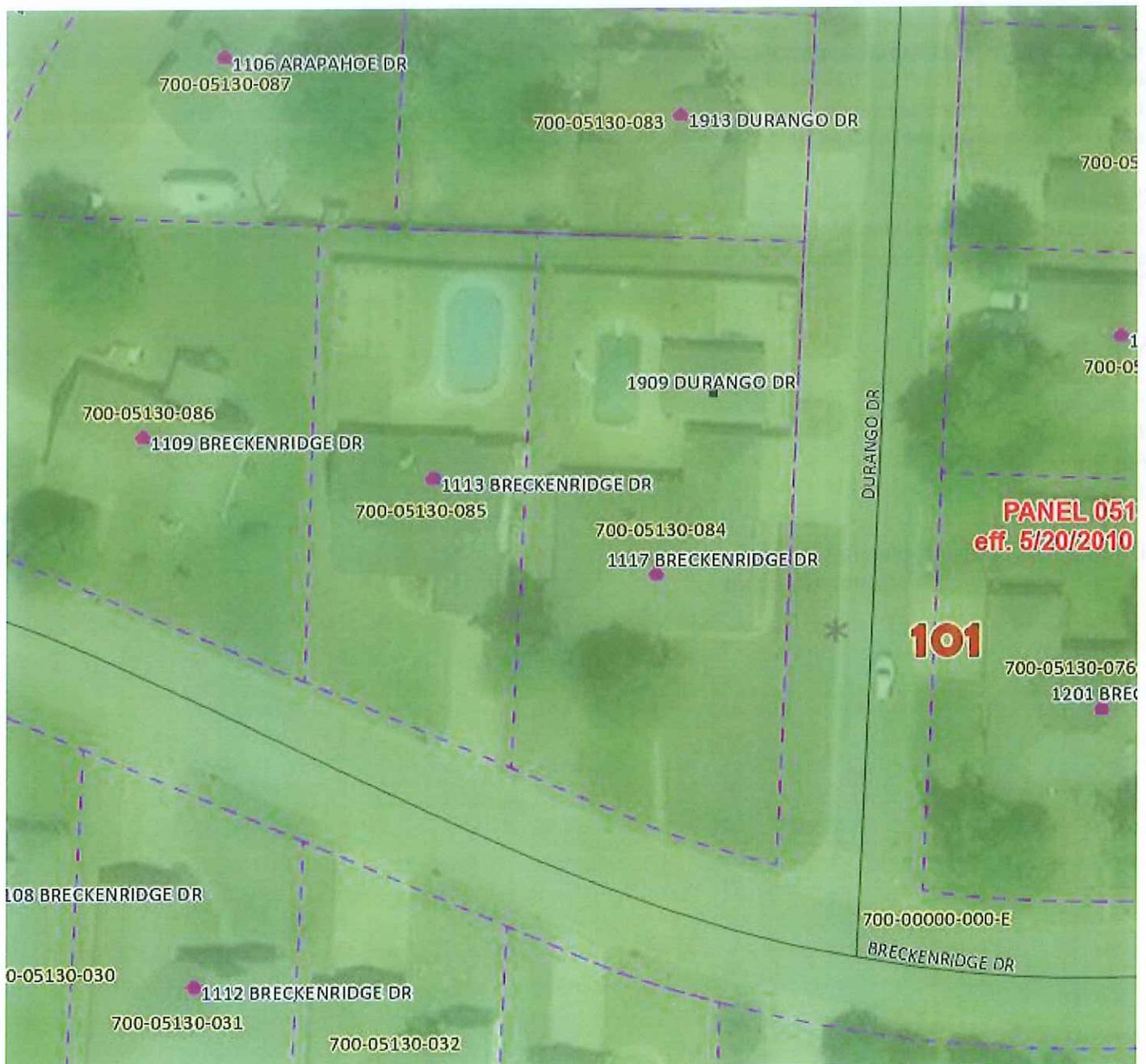
-Gary Six

## Wally Bailey

**From:** Shannon Scott <sscott@wapdd.org>  
**Sent:** Monday, December 30, 2024 5:37 PM  
**To:** Wally Bailey  
**Subject:** RE: [External] Breckenridge and Durango Dr

Wally,

Yes, both the house and the detached shop have a 911 address. The 911 address was assigned 08/04/2022 per the owner's request since the shop is detached and accessible from a different location than the residential structure.



**A.C.A. § 14-1-106**

**Copy Citation**

Current through all legislation of the 2024 Fiscal Session and the Second Extraordinary Session (2024)

**Arkansas Code Annotated PAW - ET Table of Contents    Title 14 Local Government    Subtitle  
1. General Provisions    Chapter 1 General Provisions    Subchapter 1 — General Provisions**

**14-1-106. Home-based businesses — Legislative findings and intent —  
Definitions.**

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**(a)** The General Assembly finds that:

- (1)** Small businesses often begin at home because of lower costs and increased flexibility;
- (2)** Home-based work plays a significant role in the economy as roughly half of all businesses in the United States operate primarily out of a residence; and
- (3)** Local government can hold back entrepreneurs and limit the economy of this state by enacting ordinances that require an individual to obtain a permit to operate a business in or work from the individual's own residence.

**(b)** It is the intent of the General Assembly that this section strengthen home-based work and remove unnecessary barriers to working from home.

**(c)** As used in this section:

- (1)** "Home-based work" means any occupation performed or business conducted by a resident within a residence that is clearly incidental to and secondary to the principal use of the structure for residential dwelling purposes;
- (2)** "Legislative body" means the quorum court of a county or the council, board of directors, board of commissioners, or similar elected governing body of local government;
- (3)** "Local government" means a city of the first class, a city of the second class, or an incorporated town;
- (4)** "Ordinance" means an ordinance, resolution, or other appropriate legislative enactment of a legislative body that prohibits or requires an individual to obtain approval from a local government before

operating a home-based business from a residence or performing home-based work, including without limitation home occupation permits and licenses; and

(5) "Residence" means a permanent dwelling place, unit, or an accessory structure.

(d) Notwithstanding any other law, local government may license or regulate home-based work if the home-based work is not prohibited and shall only be restricted as to the following:

(1) Advertisements, signs, or other exterior evidence that a residence is being used for any purpose other than a residence;

(2) Nuisances, including without limitation odor, excessive dust, smoke, vibration, noise, light, heat, glare, or similar disturbances;

(3) Health, fire, and safety codes;

(4) Traffic, parking, building, and maintenance codes;

(5) Protections for children, the elderly, and the infirm;

(6) Limitations on the number of employees, customers, and tenants at the residence;

(7) Prohibitions or limitations related to public health, safety, and welfare; and

(8) Licenses and regulations that apply to businesses without regard to location.

(e) This section does not supersede:

(1) An agreement between a homeowners' association and a homeowner; or

(2) Any valid deed restrictions.

(f) If a local government takes enforcement action against an individual for violating an ordinance, then the local government shall demonstrate that the ordinance is consistent with subsection (d) of this section.

## History

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Acts 2021, No. 659, § 1.

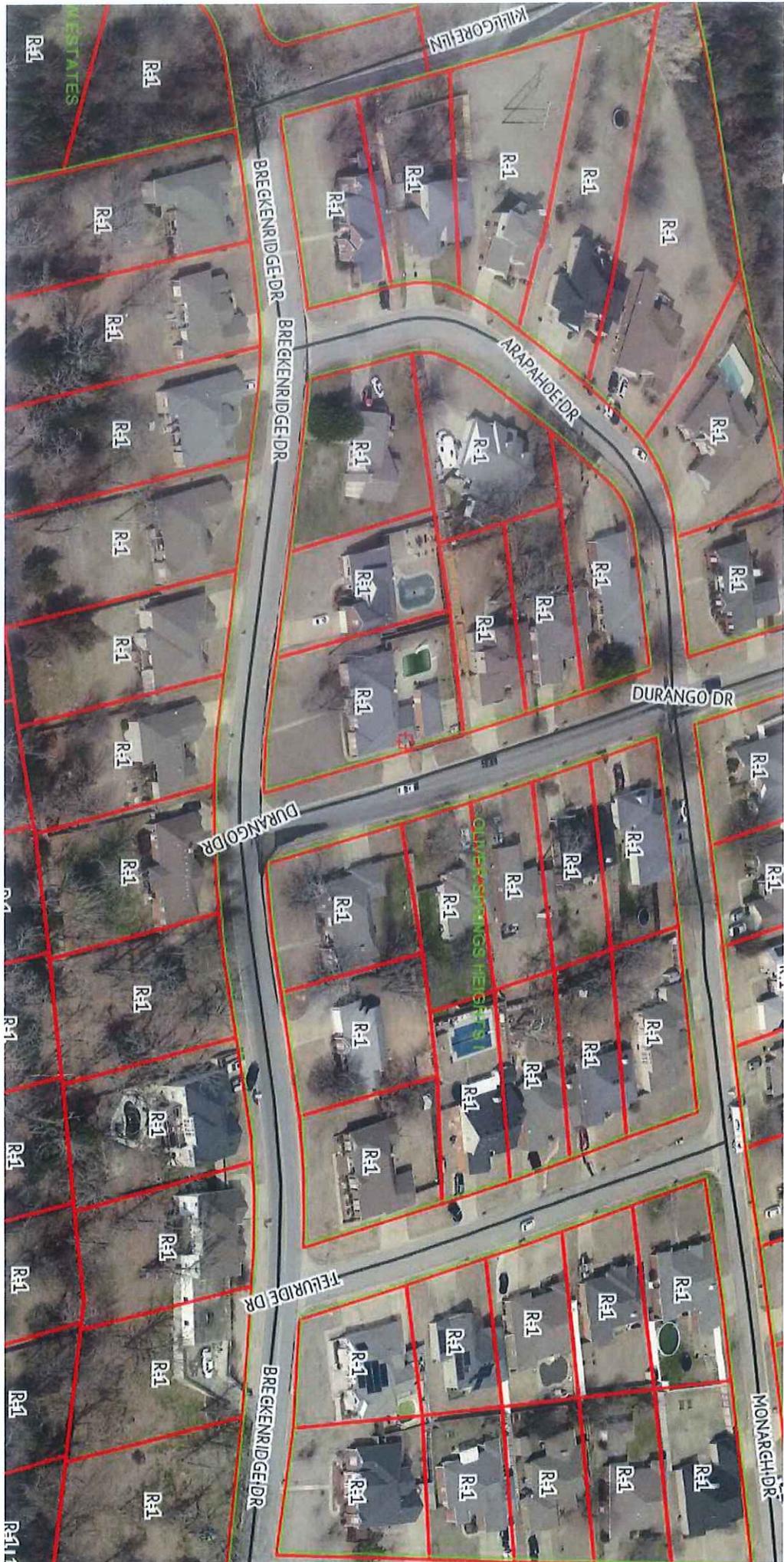
Arkansas Code of 1987 Annotated Official Edition

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Content Type:

Terms:

Narrow By: -None-



36.

# Breckenridge/Durango

3H.



02/18/2023

# City of Van Buren Conditional Use Permit Application

CONDITIONAL USE NUMBER: 1-2025

APPLICANT NAME: Gary Siv TELEPHONE NUMBER: 479-215-3447

ADDRESS: 1999 Durango Dr

PROPERTY OWNED BY: Gary Siv TELEPHONE NUMBER: 479-215-3441

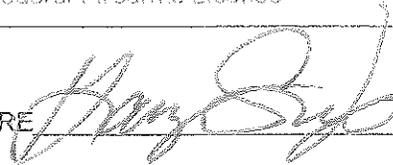
ADDRESS: 1117 Breckenridge Dr

GENERAL LOCATION OF PROPERTY: North of 1117 Breckenridge Dr but inside privacy fence

PRESENT USE: Work Shop ZONED: R-1

PROPOSED USE: Firearm sales with approved Federal Firearms License

APPLICANT SIGNATURE



LEGAL DESCRIPTION OF PROPERTY: (metes and bounds or lot and block)  
{Attach legal description as exhibit "A" if necessary.}

ATTACH COPY OF PROTECTIVE COVENANTS OR CERTIFICATION THAT NONE EXIST.

IF APPLYING TO OPEN A DAYCARE, COMPLETE THE FOLLOWING:

NUMBER OF CHILDREN: \_\_\_\_\_ MOST CHILDREN AT ONE TIME \_\_\_\_\_

PLANNING AUTHORITY PROVIDES:

PUBLIC HEARING DATE: 1-7-25 DATE FILED: 12-6-24 APPLICATION FEE: \$150

PLANNING COMMISSION ACTION: \_\_\_\_\_ DATE: \_\_\_\_\_ PERMIT EXPIRES: \_\_\_\_\_

OTHER INFORMATION:

# Conditional Use Permit Application

Submitted by Gary Six  
For the establishment of  
Six Star Armory  
1909 Durango Dr.  
Van Buren, AR  
72956



## City of Van Buren Conditional Use Permit Application Description

A. My intent, once obtaining a Federal Firearms License, is to establish a business location inside my detached garage for individuals to purchase firearms. No business will take place within my residence. This will be a "part time" endeavor I am pursuing as I get closer to retirement. The hours of operation will be M-F from 4:00pm to 8:00pm and from 8:00am to 1:00pm on Saturday. All transactions will be conducted by appointment only limiting the number of customers to a minimum. There will be no advertisement or signage of any kind within the neighborhood. I will be the only representative conducting business transactions.

B. There will be no exterior changes to the property other than a mailbox to be constructed on the Durango Dr. side. Parking for customers can be accommodated with no modifications to the existing driveways.

C. There will be no adverse impacts to the neighborhood as vehicles onsite for business will be limited and scheduled by appointments. Street parking will not be a problem as it is already prohibited and signed.

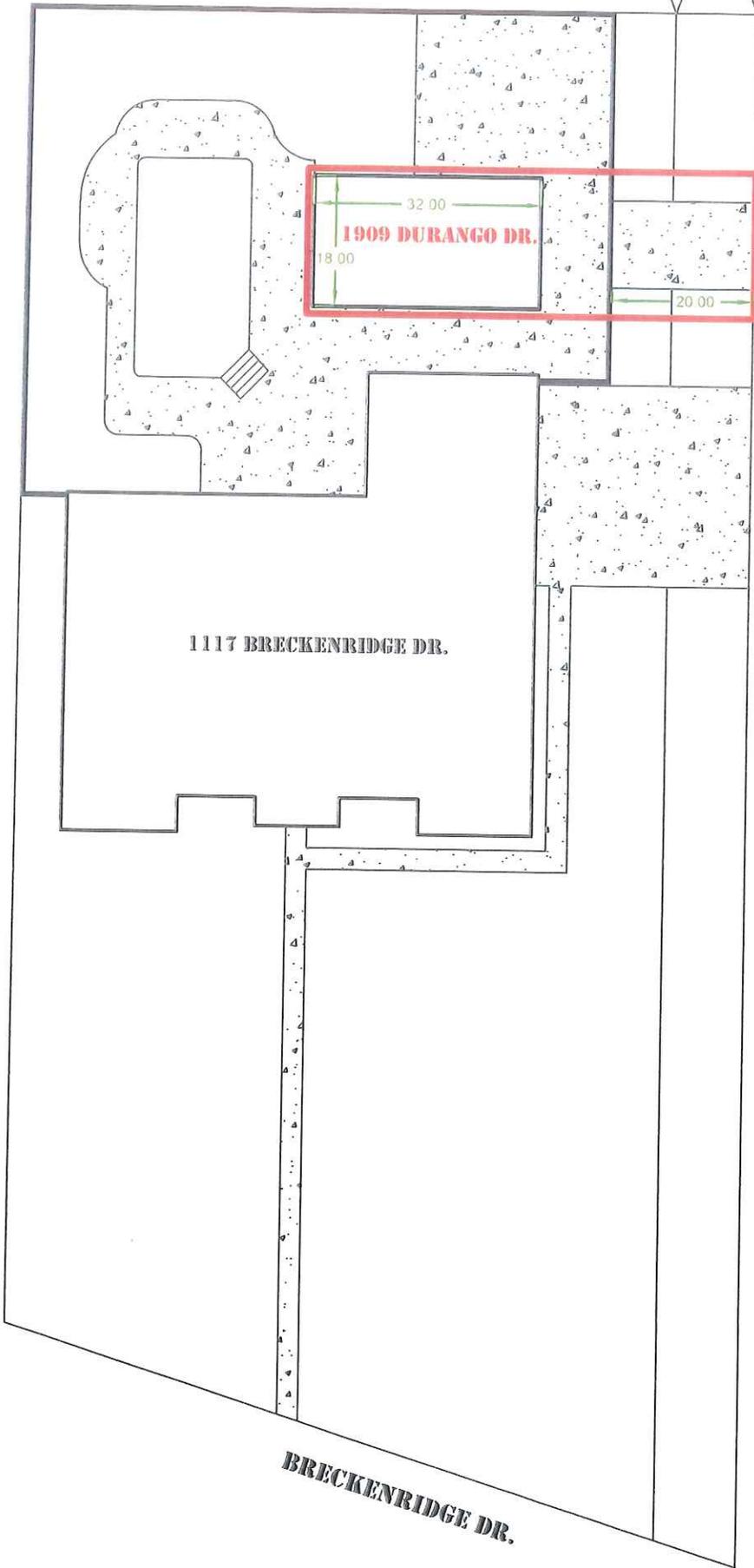
D. Restrictive Covenants are included.

## City of Van Buren Conditional use Permit Application Site Plan Information

The location is in an established neighborhood constructed in 2000. The proposed site is 1909 Durango Dr. This is a detached, brick garage that was constructed (prior to my purchase in 2022) on the property of 1117 Breckenridge Dr. The building is within the privacy fence on the north side. The property is in the subdivision of Oliver Springs Heights 1. The extended legal description is in book 2001 Page 54165: Lot 84 Oliver Springs Heights 1 addition to the City of Van Buren, Crawford County, Arkansas. I have attached a "to scale" drawing and the Crawford County Report from the Assessor's office for better reference. Parking will be available on the existing concrete driveway and not permitted on Durango Dr. as it is signed and prohibited.

PROPERTY LINE

CURB LINE



32 00  
**1909 DURANGO DR.**  
18 00

PROPOSED LOCATION  
INSIDE RED BOX

20 00

1117 BRECKENRIDGE DR.

DURANGO DR.



BRECKENRIDGE DR.

3M.

As of: 11/29/2024

**Property Owner**

Name: SIX, GARY A

**Property Information**

Physical Address: 1117 BRECKENRIDGE DR

Mailing Address: 1117 BRECKENRIDGE DR  
VAN BUREN, AR 72956

Subdivision: OLIVER SPRINGS HEIGHTS I

Block / Lot: N/A / 84

Type: (RI) Res. Improv.

S-T-R: 18-09-31

Tax Dist: (421) VAN BUREN CITY

Size (Acres):

Millage Rate: 51.90

Extended Legal: PER DOC FILED 12/7/2001 IN BOOK 2001 PAGE 54165: LOT 84 OLIVER SPRINGS HEIGHTS I ADDITION TO THE CITY OF VAN BUREN, CRAWFORD COUNTY, ARKANSAS, ACCORDING TO SURVEY BY HAWKINS-WEIR ENGINEERS INC., DATED NOVEMBER 7, 2000, JOB NO. 00205A.

**Market and Assessed Values**

**Taxes**

	Estimated Market Value	Full Assessed (20% Mkt Value)	Taxable Value	Estimated Taxes:	\$3,258
Land:	\$30,000	\$6,000	\$6,000	Homestead Credit:	\$0
Building:	283850	56770	56770	Status: (V) - Verify	
<b>Total:</b>	<b>\$313,850</b>	<b>\$62,770</b>	<b>\$62,770</b>		

Note: Tax amounts are estimates only. Contact the county/parish tax collector for exact amounts.

**Land**

Land Use	Size	Units
	1.000	Lot
<b>Total</b>	<b>1.000</b>	

**Deed Transfers**

Deed Date	File Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
1/14/2022	1/18/2022	2022	588	Warr. Deed	914.10	\$277,000	SIX, GARY A	Unval.	Improved
12/7/2001		2001	54165	Warr. Deed	627.00	\$190,000	MORGASON/MERRELL	Change After Sale	Improved
11/13/2000		2000	38725	Warr. Deed	594.00	\$180,000	SIRMON-MORGASON	Change After Sale	Improved
7/12/2000		2000	23436	SpecWarr	82.50	\$25,000	BANK-SIRMON	Valid	Land Only
9/23/1999		99	35627	CO	0.00	\$0	CLEMENTS-BANK OZARKS	00	N/A

appraisal Value History

Tax Year	Total Value	Total Assessed
2023	\$313,850.00	\$62,770.00
2022	\$226,250.00	\$45,250.00
2021	\$226,250.00	\$45,250.00
2020	\$226,250.00	\$45,250.00
2019	\$226,250.00	\$45,250.00
2018	\$226,250.00	\$44,919.00
2017	\$213,900.00	\$42,780.00
2016	\$213,900.00	\$42,780.00
2015	\$213,900.00	\$42,780.00

Details for Residential Card 1

Occupancy	Story	Construction	Total Liv	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	2,458	2		20	Average	

Exterior Wall: MASONVEN

Foundation: Slab

Floor Struct: ElevSlab

Floor Cover: Carpet & Tile

Insulation: Ceilings Walls

Roof Cover: Fiberglass Shingle

Roof Type: HipGable

Plumbing: Full: 2 Half: 1

Fireplace: Type: 1s Sgl. Qty: 1

Heat / Cool: Central

Basement: N/A

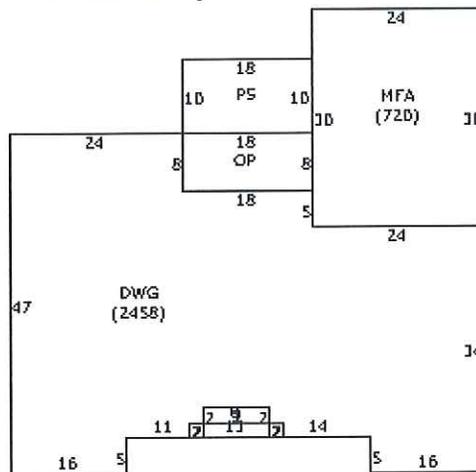
Basement Area:

Year Remodeled:

Style:



DataScout, LLC



As of: 11/29/2024

**se Structure**

Item	Label	Description	Area
A	DWG	Dwelling	2458
B	OP	Porch, open	44
C	OP	Porch, open	144
D	PS	Patio slab	180
E	MFA	Garage - masonry finished, att	720

**Outbuildings and Yard Improvements**

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - masonry finished, det		20x34			2001
Fence, wood 6'		220			
Driveway, concrete		12x28			
Driveway, concrete		28x32			
Swimming Pool, Vinyl		38x22			
Fence, chain link 8'		32			
Patio slab		30x8			
Patio slab		40x6			
Concrete slab, reinforced		30x24			
Concrete slab, reinforced		8x25			
Concrete slab, reinforced		12x12			

**Other Adjustments**

Code	Type	Quantity
FLOORC	P	492
FLOORC	T	492

Map



**OLIVER SPRINGS HEIGHTS ADDITION  
VAN BUREN, CRAWFORD COUNTY, ARKANSAS  
RESTRICTIVE COVENANTS AMENDED AND RESTATED**

FILED  
CRAWFORD CO. CIRCUIT  
CLERK  
2000 MAR 15 P 2:31

1. All lots shall be used for residential purposes only, and all dwellings thereon shall be for one family. No mobile homes or modular homes shall be allowed either temporarily or permanently.
2. No outbuilding shall be used as a residence temporarily or permanently.
3. No obnoxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or a nuisance to the neighborhood.
4. No outbuildings shall be moved in or constructed on any lot except those that are in keeping with the existing architecture and comply with F.H.A. minimum building standards.
5. All residences shall have a minimum livable floor area excluding porches, patios and garages of not less than 1400 square feet for lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12A, 12B, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 and a 2-car garage of not less than 18'x20'. All other lots shall have a minimum livable floor area excluding porches, patios and garages of not less than 1700 square feet and a 2-car garage of not less than 19'6"x20'.
6. All residences will be constructed to meet minimum F.H.A. standards as well as any applicable local standards.
7. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot at any time except cats, dogs or other household pets, provided that they are not kept for commercial purposes and remain in compliance with local ordinances.
8. Garages shall not be enclosed for additional living space.
9. No fence shall be erected nearer to any street than the minimum building setback line. ONLY WOOD PRIVACY OR VINYL FENCING WILL BE PERMITTED.
10. No vehicles, recreational vehicles, boats or trailers shall be parked on lots or adjacent street rights of way at any time, except boats and recreational vehicles may be parked on side and back yards.
  - 10a. No parking on streets at any time for residents or visitors for an extended period of time. No trailers, RV, or boats parked, or stored in front of house or on the street at any time. If residents own a corner lot, then the same applies to the street side of the house.
  - 10b. No vehicle, trailer, boat or RV shall be parked on any surface other than concrete which covers the entire dimensions of said vehicle plus meeting certain location restrictions mentioned above.

2000 - 008695

24 Debbie  
Martels

3R  
11.05

11. No unserviceable vehicle, unlicensed vehicle, or parts of vehicles shall be stored on any lot. This applies to those intended for cannibalization, restoration or any other purpose. (Vehicles with flat tires, etc.)
12. No dumping shall be permitted on any lot. All waste material and garbage shall be stored in sanitary containers and must be removed from property at intervals not exceeding one week.
13. No furniture commonly used for indoor purposes shall be stored or used outside the house and garage. (such as: refrigerators, couches, recliners, ovens, washers, dryers and etc.)
14. All new construction, additions, storage buildings, etc. must be submitted to and approved in writing by the Bank of the Ozarks Building Committee prior to commencement of construction of any kind.
  - \* The limited responsibility and requirements of the building committee shall be as follows:  
Review plans to make sure the owner and contractor's plans conform to the following requirements:
    - A) At least 7/12 pitch on residence roofs.
    - B) Minimum square footage requirements as set forth above.
    - C) Structures shall be done in: one or combination of the following:
      1. Brick 75% and 25% Vinyl, metal or cedar siding.
      2. All brick or rock homes may have masonite or cedar soffet and gables or superior product.
      3. Stucco or Dryvet
      4. 2-Car garage on all lots as set forth above.
      5. All concrete blocks or basement walls made of blocks or concrete have to be covered with one of the following: brick, rock, stucco or dryvet.
    - D) Sodded front yards, to front corners.
    - E) Storage buildings shall match existing structure.
    - F) Architectural shingles.
15. Home lawns and flower beds shall be mowed and manicured in a timely manner. (Grass no taller than 8" tall.)
16. Toys and other debris shall be stored out of sight of other residences. (Excludes new homes under construction.)
17. No antennas.
18. Satellite dishes shall be less than 4' in diameter and shall be at the back or side of the house.
19. No more than one immediate family shall reside in one residence unless they are tax dependents of homeowners or elderly parents.

20. All unbuilt-on lots shall be brushhogged every 4 months, and the first 25' off curb shall be mowed so that grass or weeds are never over 18" tall. (This protective covenant takes effect after 75% of the lots have been sold.)
21. Any guttering installed on a home shall be seamless guttering.
22. Brick mailboxes only: no other type of newspaper or mail holders permitted. (Such as: newspaper holders on iron pins, etc.)
23. No advertising signs or business signs are permitted except for construction signs while the initial new construction of home is under progress and being sold. Real estate "for sale" signs are permitted and related signs, such as arrows and open house signs. Alarm security signs are permitted.
24. No dogs shall be chained up in any yard without being fenced.
25. No semi-trailers are permitted except during construction of the home.
26. No business shall be operated or located at any residence and no business vehicles shall be permitted except for one personal company vehicle. (Exceptions for business operating out of house is a showcase home. Definitions of a showcase home is a newly never sold home presented for sale by a licensed Realtor.)
27. Commercial properties are exempt from subdivision protective covenants except the ones specifically addressed to commercial property.

Note: Due to the beautiful terrain of the subdivision, it is to be noted that neighbors may expect to receive surface water from bordering neighbors.

Note: Trees are not warrantable items. A dead tree is the responsibility of the owner. Consult your insurer.

These amended and restated restrictive covenants supersede the original restrictive covenants filed for record in the office of the Circuit Clerk and Ex-Officio Recorder for Crawford County, Arkansas, on October, 1998, now appearing of record at Book 98, Page 40016-40021.



# City of Van Buren, Arkansas Municipal Complex

1003 Broadway • Van Buren, Arkansas 72956

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## PLANNING COMMISSION MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** WALLY BAILEY, PLANNING DIRECTOR  
**SUBJECT:** ZONING ORDINANCE AMENDMENTS  
**DATE:** DECEMBER 30, 2024  
**CC:**

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As we have continued to review the City Ordinances, we find language that needs to be amended, added, or deleted. The enclosed packet of amendments fits into that category.

A summary of the amendments is as follows:

### **Official Zoning Map:**

An official zoning map is a requirement of Arkansas law. The existing zoning ordinance refers to a zoning map dated August 18, 1997, but the zoning map has been amended many times since then. The common practice that other cities use is to not reference a date specific map because of the constant changes. Also, the current practice among many cities is to utilize digital mapping for their zoning maps. The proposed language is what I believe to be the best practice for Van Buren's official zoning map.

### **Conditional Uses:**

The edits in this section are for the purpose of correcting references to the Building Inspector as managing the conditional use process. The building Inspector will be replaced with the Planning Department.

### **Building Permits and Certificates of Occupancy**

The proposed edit is to delete redundant language that is currently found in the adopted building code and in Title 11 of the Van Buren Municipal Code.

**Board of Adjustment**

The proposed edits are removing references from the Building Inspector and replacing them with the Planning Department; correcting the terms of office; clarifying the Board's officers; and correcting the public notice requirement.

Please let me know if you have any questions or would like additional information before our discussion.



## SECTION 2. Boundaries of Districts

1. The boundaries of the zoning districts are hereby established as shown on the map, entitled, "Zoning Map" of the City of Van Buren, Arkansas, dated August 18, 1997, which is part of this Ordinance and which is on file in the office of the City Clerk. (Ord. 19-1997).

The city is hereby divided into zones, or districts, as shown on the official zoning map, which is hereby adopted by reference and declared to be a part of this chapter. The City of Van Buren shall maintain the map at a convenient location designated by the Mayor and filed with the City Clerk. Although copies of the map or portions thereof may be distributed to the public in paper or digital form, the official zoning map consists of a digital copy as shown on the official City of Van Buren website, as kept by the City of Van Buren Planning Department and the map shall be subject to change from time to time as may be determined by ordinance of the City Council.

2. Unless otherwise indicated on the Zoning Map, the district boundaries are lot lined, the center lines of streets, or alleys or a specified distance there from, railroad right-of-way, or the city limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Adjustment Planning Commission.

3. When the street or property layout existing on the ground is at variance with that shown on the Zoning Map or with other requirements of this Article, the Board of Adjustment Planning Commission shall interpret the boundaries.

4. Where district boundary line divided a lot in single ownership at the time of passage of this Ordinance, the use, height, and area authorized in the least restricted district shall apply to the entire lot, but shall not extend beyond a platted lot line; provided that this line does not extend more than twenty-five (25) feet beyond the more restricted district boundary line. The use so extended shall be deemed to be conforming. Where the district boundary is on a platted lot line, this extension is not permitted.

5. Where a lot under single ownership at the time of passage of this Ordinance is double frontage lot and where the frontage on one street is in a commercial or industrial district, (except corner lots) and the frontage of the other street is in a residential district or faces a residential district, any commercial or industrial uses placed upon this lot shall be fronted onto the street in the commercial or industrial district. In all cases of ambiguity or uncertainty, the Board of Adjustment Planning Commission shall have the authority to determine on which street the commercial or industrial use shall face or front so that the spirit of these regulations shall be observed.

6. Where a corner lot with commercial zoning is located on a predominantly commercial street, i.e., located in a block in which the frontage is 51% or more residential frontage, any commercial use placed on the corner lot must have its principal frontage on the predominantly (51% or more) commercial street.

7. The Historic District zone's boundaries shall be identical to the existing boundaries of the Historic District's boundaries as identified by Ordinance #7-1977. A map detailing these boundaries shall become a permanent part of this amendment and shall be added to the Official Zoning Map of Van Buren, Arkansas.

#### SECTION 4. Conditional Uses.

(a) Purpose and Intent. This regulation is established to set standards used in reviewing and approving conditional uses and procedures for processing them. Certain uses are considered as conditional because of the potential harmful effects the use can cause to nearby property and because the requirements needed to eliminate those harmful effects vary from site to site. Thus, the Planning Commission, in considering each conditional use request, will review the overall compatibility of the planned use with surrounding property as well as such specific items as screening, parking and landscaping to make sure that no harmful effects occur to nearby property.

(b) Application Procedure. The application for a conditional use permit shall be made to the Building Inspector Planning Department by the property owner or any agent of the property owner. The application shall include an 8 ½ by 11 inch site plan for proposed development. The fee for processing a conditional use application shall be \$150.00.

(c) Application and Processing Requirements. (1) The Planning Commission shall hold a public hearing on all requests for conditional uses after:

(a) Publishing a notice in a newspaper of general circulation in the City at least one time fifteen (15) days prior to the public hearing, setting forth the time and place of such hearing and the conditional use proposed.

(b) Posting a sign three (3) feet by four (4) feet in size at a conspicuous place on the property, fifteen (15) days the date of the public hearing and on which is set forth the date and place of the hearing.

(c) Notifying by first-class mail anyone who owns property within three hundred (300) feet of the property being considered for a conditional use. Such notification will indicate the date, time, and purpose for the public hearing. The notification must be mailed and dated at least fifteen (15) days prior to the public hearing held by the Planning Commission. The application should include:

(A) A description of the present land use.

(B) A description of the proposed uses indicating hours of operation, number of employees, etc.

(C) A description of the measures to be taken to insure compatibility of the proposed use with surrounding neighborhood (e.g. building design, landscaping, fence and 'site improvements

(D) A description of the possible adverse impacts such as noise, smoke, fumes, traffic, vibrations or other hazards and a description of how these conditions will be minimized.

(E) The Building Inspector Planning Department and Planning Commission reserve the right to require additional information which would enable the Commission to determine the appropriateness of the use for which application has been made.

(d) Planning Commission Action.

(1) The Planning Commission shall consider conditional use applications at the Commission's regular monthly meeting and hold the required public hearing on a conditional use application at that time. After the public hearing, the Commission will take one (1) of the following actions:

- (A) Approve the application as submitted.
- (B) Approve the application with modification.
- (C) Defer the application to a later meeting.
- (D) Table the application.
- (E) Deny the application.

(2) The Planning Commission may impose conditions and restrictions upon the property under consideration with the intent of minimizing the impact of the conditional use upon nearby property.

(3) The Planning Commission should not reduce requirements associated with a conditional use concerning the minimum requirements of this ordinance for the zone in which the use occurs unless unusual circumstances or hardships exist.

(e) Development Standards and Review Guidelines. The following development standards and design specifications shall be the basis for approval of a conditional use:

(1) The design, location and operating plans shall be such that the safety of the public is protected.

(2) The proposed land use will not adversely affect nearby property.

(3) The size and shape of the site and the size, shape and arrangement of structures meet the minimum requirements of this ordinance.

(4) The entrances and exits, internal street system, off-street parking, loading facilities and pedestrian walks are adequate for the purpose proposed.

(5) Nearby property shall be protected from excess fumes, lighting, noise, glare, dust and odor.

(6) Necessary landscaping and screening required to meet the intent of this ordinance shall be provided.

(7) Open space shall be maintained by the owner.

(8) Signage will not be obtrusive or distracting so as to distract from the character of the neighborhood or be a nuisance to those living or working therein.

(f) Minimum Site Plan Information. The required site plan shall be drawn to scale and shall, at a minimum, contain the following information:

(1) The land to be included in the proposed use along with a written legal description of the land.

(2) The zoning classification of all adjacent land within three hundred (300) feet.

(3) The location and dimensions of all public rights-of-way on or abutting the planned area.

(4) Existing and proposed finished grades of the site.

- (5) Existing and proposed vehicular and pedestrian circulation systems,-including streets, alleys, walkways, service areas and loading area, location and arrangement of off-street parking areas and all points of vehicular entrance and exit.
- (6) A description of outdoor surfacing and paving for all parking and loading areas.
- (7) A proposed perimeter treatment of the property, with indication of screening materials to be used, including fences, walls and plants together with a description of uses, setbacks and the relationship to surrounding area.
- (8) A schematic landscape plan showing proposed treatment of the areas designated as either buffers or open space.
- (9) The location and dimensions of all existing and proposed easements and public improvements within the site.
- (10) The location of all structures and structural dimensions, dimension distances between buildings, and distances from structures to property lines.
- (11) The location and description of all signs, including those flat on building facades.
- (12) The indication of proposed use of all structures along with height, floor areas, entrances and loading areas.
- (13) The proposed location and description of facilities for garbage and waste disposal and pick-up

(g) Conditions.

- (1) All conditions required for a conditional use must be met before any part of the use can be utilized. If any condition is not met, the conditional use authorization may be revoked by the City.
- (2) All conditions required for a conditional use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Commission may be granted by the Building Inspector Planning Department one (1) time for up to ninety (90) days.
- (3) No variances may be granted to a conditional use authorization except that the Building Inspector Planning Department may grant minor changes to the conditions imposed as long as those changes conform to the intent of the Planning Commission's approval. No building permit shall be issued for a conditional use unless the provisions of this ordinance have been met.

(h) Termination of Permit.

- (1) In the event a condition imposed by the Commission or building inspector for the conditional use of a property or structure is suspended, abandoned or changed after the initial granting of the conditional use permit, the conditional use permit shall be considered void and the use of the property or structure shall be immediately suspended until such time as the required condition is again ' restored and the owner or operator of the property or structure is once again in compliance with the permit.
- (2) In the event the use of a property or structure subject to the conditional use permit is changed to a use not permitted by the certificate, then the conditional use permit shall be considered void and the new use of the property or structure shall be immediately suspended until such time as a new conditional use permit may be authorized.

(i) Inspection.

In order to determine if the conditions for use, and the use, of the building or land are in compliance with an approved conditional use permit, the Building Inspector, or his designated representative may inspect any building or land that has a conditional use permit, at any time during normal business hours. Each building and land for which a conditional use permit has been approved shall be inspected at least annually by the Building Inspector, or his designated representative, to determine compliance.

(j) Appeal.

The final decision of the Planning Commission concerning a conditional use may be appealed to the Van Buren City Council.

ARTICLE VII. Enforcement

SECTION 1. Enforcing Officer

The provisions of this Ordinance shall be administered and enforced by a building inspector or other official appointed by the Mayor and the City Council who shall have the power to make the inspection of buildings or premises necessary to carry out his duties in enforcement of this Ordinance.

SECTION 2. Building permits and Certificates of Occupancy

1. Building Permit Required.

It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory building, until the Building Inspector has issued a building permit for such work.

2. Issuance of Building Permit

When applying to the Building Inspector for a building permit, the applicant shall submit a plat and/or plans in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, height and location on the lot of all buildings to be erected, altered, or moved and of any building already on the lot. The applicant shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation is in conformity with the provisions of this Ordinance and with other Ordinances of the City of Van Buren now in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with cause.

a. The issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

b. A building permit shall become void six months from the date of issuance unless work has been started on the project described therein.

c. A building permit shall become void twenty-four (24) months from the date of issuance unless the construction work has been completed and a certificate of occupancy has been issued on the property described therein.

d. No building permit shall be issued for any structures (principal or accessory) that are of a size, shape design or use that does not conform to normal and usually found structures in the residential area where the permit is requested until reviewed by the Zoning Committee who may:

(1) Recommend that the Building Inspector issue a building permit if the Committee finds the intent of the Ordinances is complied with and the structure will not be objectionable to the future use of the zoned area.

(2) Recommend that the Building Inspector not issue a building permit if the Committee finds the intent of the Ordinances is not complied with and the structure will be objectionable to the future use of the zoned area.

(3) May recommend that the request be treated as a variance with steps under Article VIII, Section 2 and 3 of the Zoning Ordinance be followed and then a recommendation be made to the Van Buren City Council setting as a Board of Adjustment whether such variance should be granted.

(Ordinance 12-1967)

### 3. Certificate of Occupancy

A certificate of occupancy shall be applied for, coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such building has been completed in conformity with the provisions of these regulations. If such certificate is refused, the building inspector shall state such refusal in writing with the cause.

No land, or building, or part thereof, erected or altered hereafter in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance or other Ordinances of the City.

### 4. Records

A complete record of all certificates, plats and plans shall be maintained in the office of the Building Inspector for inspection or use by the public. Copies reproduced at the applicant's expense, shall be furnished on request to any person affected. A fee of one dollar (\$1.00) shall be charged for an original certificate of occupancy and fifty cents (.50) for copies of any original certificate of occupancy.

### 5. Certificate of Appropriateness

No land, building or part thereof that is located within the Van Buren Historic District, shall be erected or altered in its use or structure until the Historic District Commission has issued a Certificate of Appropriateness stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance, the Historic District Design Guidelines, and other Ordinances or Codes of the City.

No building permit shall be issued by the Building Inspector for properties located within the Van Buren Historic District until a Certificate of Appropriateness for that property has been issued by the Historic District Commission.

ARTICLE VIII. Board of Adjustment

SECTION 1. Creation and Appointments.

This Ordinance provides for a Board of Adjustment in accordance with Act 186 of the 1957 General Assembly. The Board of Adjustment shall be composed of the Planning Commission as a whole, in accordance with A.C.A. Section 14-56-416(b)(1). All members of said Board shall serve without pay. ~~The term of membership shall be five years. Vacancies shall be filled for the unexpired term of any member in the same manner as original appointments.~~

~~The officers of the Planning Commission shall serve as officers of the Board of Adjustment. The Board shall meet and organize annually to elect its own chairman and vice chairman, each of whom shall serve for one year or until his successor duly qualifies. The Mayor shall appoint a secretary who shall hold office during the will and pleasure of the Mayor and who shall receive such compensation from the City Council of the City of Van Buren.~~

SECTION 1A.

That the ~~City Council~~ Board of Adjustment of the City of Van Buren shall constitute the Board of Appeals as set forth in the Plumbing Code, the Building Code, and the Electrical Code. ~~and the Zoning and Sub-Division Regulation Ordinance.~~

SECTION 2. Procedure.

Meetings of the Board of Adjustment shall be held at such times and at such places within the City as the Board may designate, or at the call of the Chairman. ~~But the Board shall have at least one meeting each month.~~ All meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, noting such fact. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the ~~Building Inspector~~ Planning Department and shall be a public record.

The presence of three members shall be necessary to constitute a quorum and the concurring vote of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administration officer to decide in favor of the application on any matter upon which it is required to pass under the zoning ordinance or to effect any variation in such regulations.

The Building Inspector or his representative ~~and Planning Department representative~~ shall attend each meeting of the Board and shall make available all plans, specifications, plats and papers relating to any case before the Board for consideration.

SECTION 3. Appeals ~~of~~ or Variances.

Any appeal or application for variance to the Board of Adjustment may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the enforcement officer, based in whole or part, upon the provisions of this Ordinance. The Board of Adjustment shall publish a notice of the time and place of a public hearing upon such appeal or application for variation; such notice shall be published at least once, not less than ~~ten (10)~~ fifteen (15) days preceding the date of such hearing in an official paper or newspaper of general circulation in Van Buren, such notice to contain the particular location for which the appeal or variation is requested as well as a brief statement of what the proposed appeal or variation consists of. A sign three (3) feet wide and four (4) feet high shall be placed upon the property by ~~the building inspector~~ Planning Department giving the date, place of the public hearing and what the appeal or variance consists of, fifteen (15) days before the date of the public hearing. The Board shall also give notice of such hearing to interested persons and organizations, as it shall deem feasible and practicable. Upon the date of the hearing any party may appear before the board in person or by attorney. (Ord. 19-1983)

The applicant shall be required to pay a filing fee of \$150.00 dollars to cover the cost of publishing and mailing notice; and such other expenses as may be incurred in connection with such appeal or application.

SECTION 4. Expiration of Permits.

1. No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than sixty (60) days unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.
2. No order of the Board permitting a use of the building or premises shall be valid for a period longer than sixty (60) days unless such a use is established within this period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect, if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

SECTION 5. Powers. The Board of Adjustment shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirements, permits, decision, determination or refusal made by the enforcement officer or other administrative official in the carrying out or enforcement of any provision of this Ordinance.

2. Special Exceptions

To hear and decide applications for special exceptions upon which the Board of Adjustment is specifically authorized to pass.

3. Variance

To hear and decide applications for variance from the terms of this Ordinance in cases where a specific place of property characterized by exceptional narrowness, shallowness or shape was a lot or record at the time of adoption of this Ordinance; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property; provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance as specifically authorized in Article VI, Sections 1 and 3.

SECTION 6. Appeal from Decision of the Board.

Appeal from the decision of the Board of Adjustment shall be to a court of record having jurisdiction within thirty days from the date of the decision of the Board.

1. In granting a variance the Board may attach thereto such conditions regarding the locations, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this Ordinance.

2. Before any variance is granted it shall be shown that special circumstances are attached to the property, which do not generally apply to other property in the neighborhood.