

ORDINANCE NO. 7-1963 AS AMENDED

ZONING ORDINANCE
FOR
VAN BUREN, ARKANSAS

AN ORDINANCE RELATING TO THE ZONING LAWS OF THE CITY OF VAN BUREN: PURPOSE, DEFINITIONS, GENERAL PROVISIONS, PROVISIONS GOVERNING ZONING DISTRICTS, EXCEPTIONS AND MODIFICATIONS, ENFORCEMENT, BOARD OF ADJUSTMENT, AMENDMENT, AMENDMENT AND LEGAL STATUS PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS:

ARTICLE 1. Purpose

The zoning regulations and districts as herein set forth are enacted to implement in part the land use plan of the City of Van Buren and to promote the health, safety, morals, convenience, order, and prosperity, and general welfare of the community; to provide for the establishment of districts within the corporate limit; to regulate within such districts the location, height, bulk, number of stories, and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population, and the uses of land and buildings. These regulations have been made with reasonable consideration, among suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

ARTICLE II. Definitions

Unless otherwise stated, the following works shall, for the purpose of this Ordinance, have the meaning herein indicated.

1. Accessory uses or building. A use or building customarily incident and subordinate to the actual principal use or building and located on the same lot with such actual principal use or building.
2. Alley. A public way not over 20 feet in width.
3. Area. This term refers to the amount of land surface in a lot or parcel of land.
4. Area Requirements. The yard, lot area, width of lot, height of structure, and parking requirements as set forth for a specific zone in this Ordinance.
5. 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.

6. 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.

7. Conditional Use. A use that is not automatically permitted in a zoning district but which, after complying with special conditions and procedures set by the Planning Commission, may be authorized.

8. Dog Kennel. An establishment wherein any person engages in the business of boarding, breeding, buying, grooming, and letting for hire, training for a fee, or selling dogs.

9. Dwelling. A unit intended to be occupied as a housekeeping unit other than a manufactured home.

10. Family. One or more persons occupying premises and living as a single, non-profit housekeeping unit. A family shall be deemed to include the necessary servants.

11. Historic District Zone. The zoning district within the Central Commercial District, C-1, that has the identical boundaries of the Van Buren Historic District.

12. 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.

13. Homeless Shelter. A facility providing temporary housing to indigent, needy, homeless or transient persons. Such a facility shall be permitted to also provide ancillary services such as meals, counseling and vocational training.

Separation, spacing and procedural requirements for homeless shelters and transitional dwellings will be determined by the planning commission so as not to adversely impact the surrounding properties and neighborhood. In addition to the development standards and review guidelines established in Article VI, Section 4 of Ordinance No. 7-1963, issues that the planning commission will consider during its review of such facilities include, but are not limited to:

- a. Spacing of existing similar facilities.
- b. Existing zoning and land use pattern.
- c. The maximum number of individuals proposed to be served, the number of employees proposed and type of services being proposed.
- d. Provisions for readily accessible public or quasi-public transportation.

- e. Access to support services such as social services agencies, employment agencies and medical service providers.

14. Lot. Land occupied or to be occupied by a structure or use and its accessory structures and uses, and including such open spaces as are required under this ordinance and having its principal frontage upon a public street or officially approved place.

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

16. Manufactured home. A dwelling unit constructed in a factory in accordance with 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. 5410 et seq. as it existed on January 1, 1976, and meeting the definitions set forth in said federal standards and under Arkansas Code § 20-25-102.

17. 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.

18. Mini-storage facility. A complex of small storage units which are rented or leased and which are arranged to be individually accessible to the lessee or renter.

19. Mobile Home. A dwelling unit constructed in a factory before the enactment of 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. 5410 et seq. as it existed on January 1, 1976.

20. Mobile Home Park.

- a. Definition: Mobile home park means, any plot of ground of two (2) acres or more upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

- b. A mobile home space means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

- c. The mobile home park shall conform to the following requirements:

- (1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

- (2) Mobile home spaces shall be provided consisting of a minimum of 3,600 square feet for each space, which shall be at least 40 feet, wide and 90 feet long and clearly defined.

(3) Mobile homes shall be so harbored on each space that there shall be at least a 15-foot clearance between mobile homes.

(4) All mobile home spaces shall have a driveway of not less than twenty-six (26) feet in width, which shall have unobstructed access to a public street.

(5) Each mobile home park shall provide service building to house such as toilet, bathing, and other sanitation facilities and such laundry facilities as the city may specify.

(6) An electrical outlet supplying at least 110 volts shall be provided each mobile home space. (Ordinance 34-1969) (See Article V, Section 3 A 1 B Definition of terms)

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

22. Non-conforming. That use or structure which does not meet the requirements of the zone in which the use or structure is located at the time of the effective date of this Ordinance.

23. Non-conforming use of land. That use of land, which does not conform to the permitted uses of land in the zone in which it is located and which does not utilize a principal or permanent structure.

24. Non-conforming use of structure. That use of a structure, which does not conform to the permitted use of structures of the zone in which it is located.

25. Non-conforming structure. That structure which by its nature is not intended for uses permitted within the zone in which it is located and/or that structure which does not conform to the area requirements of the zone in which it is located.

26. 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.

27. Open space. Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structures or portion of structure whatever.

28. Parking Space. Two hundred and fifty (250) square feet of usable and accessible space.

29. Principal use. The chief or main recognized use of a structure or of land.

30. Property line. The line bounding a lot as defined herein.

31. Recycling center means a facility where recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are

recycled, reprocessed, and treated in order to return such products to a condition where they may be reused.

32. Salvage business means any establishment maintained, used, or operated for the storing, keeping, dismantling, salvaging, buying, or selling of:

- (1) Scraps or discarded pieces of metal, paper, cloth, tires, building materials, glass, and other materials.
- (2) Inoperable, wrecked, scrapped, ruined, dismantled, or discarded automobiles, automobile parts, trucks, machinery or appliances or parts thereof.

Appliance means any stove, washer, refrigerator or other household or commercial appliance that is no longer operable in the sense for which it was manufactured.

Vehicle means any motor vehicle that is missing a motor, transmission, tire or which has been damaged as to not safely operate on the street; constitutes a threat to the public health or safety; partially dismantled, wrecked or deteriorating to such an extent that its continued presence creates a negative impact on property values and creates a blighted influence on a neighborhood or street corridor.

33. Story. The portion of a structure included between the upper surface of any floor and upper surface of the floor next above; also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds 4 feet.

34. Street. A public way of more than 20 feet established by, or maintained, under public authority, a private way open for public use, and a private way plotted or laid out for ultimate public use, whether or not constructed.

35. Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures including buildings, wall, fences, billboards, and poster panels.

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

37. Transitional Dwellings. A facility where persons are aided in the readjustment to society following a period of imprisonment or institutionalized treatment. (*See definition for Homeless Shelter for review guidelines*).

38. 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.

39. Yard. The horizontal distance from a lot line to a parallel, designated line. A yard is an open and unoccupied space extending the full distance of the lot.

40. Swimming Pool. Any structure intended for swimming or recreation bathing that contains water over 24 inches deep. This includes inground, aboveground, and onground swimming pools. Swimming pools are not subject to the rear yard and side yard requirements of this ordinance.

ARTICLE III. Establishment of Districts.

SECTION I. Classification of Districts. For the purpose of this Ordinance, Van Buren, Arkansas, has twelve (13) zoning districts designated as follows:

- R-1 Single Family Residential District
- R-1B Townhouse/Zero Lot Line Residential District
- R-2 Two-family Residential District
- R-3 Multi-family Residential District
- R-3B Condominium District
- R-4 Mobile Home District (Ord. 5-1972)
- R-5 Single Family and Manufactured Home Residential District
- C-1 Central Commercial District
- C-2 Thoroughfare Commercial District
- H-I - Historic District (Ord. 5-1980)
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- G-1 Government and Public Use Zone (Ord. 13-1974)
- 0-1 Open Area Zone (Ord. 12-1975)

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).

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.

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 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 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.

ARTICLE IV. General Provisions

For the purpose of this Ordinance there shall be certain general provisions which shall apply to the City as a whole as follows:

SECTION 1. Use of Buildings and Land. No building or land shall hereafter be used and no buildings or part thereof shall be erected, moved, or altered unless for a use expressly permitted the district in which it is located, unless said building or land shall have been awarded a conditional use permit.

SECTION 2. Non-conforming uses. Any lawful use of buildings or land existing at the time of the enactment of this Ordinance but not in conformity with its provisions may be continued, subject to the following limitations:

1. A non-conforming use of land --
 - a. shall not be changed unless changed into a conforming use.
 - b. which shall cease for a continuous period of more than one year shall be deemed discontinued any use thereafter established must be in conformity with this Ordinance.
 - c. shall not be continued for more than three years from date of adoption of this Ordinance or after effective date of annexation.
 - d. in all other use districts may be continued until deemed permanently discontinued.
2. A non-conforming use of structure--

- a. may be continued and is subject to such regulations as to the maintenance of premises and conditions of operations as may be required for the protection of adjacent property as approved by the Board of Adjustment.
 - b. may be extended to any portion of a structure arranged or designed for such non-conforming use at the time of this Ordinance.
 - c. may be changed to a similar use if no structural changes are necessary.
 - d. once changed to a conforming use, all new uses shall be conforming uses.
3. A non-conforming structure--
- a. may, with approval of the Board of Adjustment be remodeled to maintain the premises in a safe and useable condition regardless of use of structure.
 - b. may, with the approval of the Board of Adjustment, be added to if said addition meets the area requirements of the zone district in which the structure is located, provided said use of structure is in conformance with this Ordinance.
4. A structure occupied by a nonconforming use or any non-conforming structure that is destroyed or damaged of the extent that the cost of repair is more than fifty (50) percent of its replacement value as determined by the County Assessor shall not be replaced unless all the following conditions are met:
- 1. A conditional use application is presented to the planning commission.
 - 2. The conditional use is approved by the planning commission.
 - 3. Construction is substantially completed and is continuing to progress toward completion within one year from the date of the loss.
 - 4. The structure shall be adapted for the same use as the previous structure.
 - 5. The structure as built shall not exceed the bulk and area characteristics of the previous structure.

SECTION 3. Principal Building on Lot.

- 1. In residential districts only one principal building and its customary accessory buildings may hereafter be erected on any lot unless otherwise provided in this Ordinance.
- 2. The equipment of an accessory building with sink, cook stove, or other kitchen facilities for the independent occupancy thereof other than by servants or guests shall be considered evidence that such building is not an accessory building but a separate dwelling and must meet all minimum lot requirements of the district in which it is located.

SECTION 4. Reduction of Lot Area or Yard Requirements.

- 1. No lot shall be reduced in area so that yards, lots area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public purpose.
- 2. No yard or lot area requirements for buildings existing at the time of the passage of this Ordinance shall be considered as yard or lot requirements for any other building.

SECTION 5. Zoning of Annexed Territory.

1. Undeveloped tracts shall be classified in an open zone district unless the owners thereof request otherwise or the Planning Commission makes a study of the area and determines the appropriate zoning classification, which will be consistent with the Comprehensive Plan.
2. Developed areas or tracts of land where development is underway shall be classified according to existing uses which are established, or being established, at the time of annexation unless the owners request otherwise, or the Planning Commission makes a study of the area and determines that other zoning classifications are required.
3. Territory being annexed to the City shall be classified into a zone, or zones, in accordance with the requests of owners of the area unless the Planning Commission determines that the requests are not in the best interests of the City, in which case the area shall be classified as an open zone.
4. The proposed zoning classification of territory being annexed into the City in accordance to any provision of this Section shall be presented at a public hearing before the Planning Commission makes its recommendation to the City Council. (Ord. 12-1975)

SECTION 6. Off-street Loading and Unloading Space.

Every building or structure hereafter constructed for commercial or industrial uses shall provide space for the loading and unloading of vehicles off the street or public alley. The adequacy of such space shall be determined by the City Building Inspector.

SECTION 7. Visual Clearance Requirements

No lot facing an intersecting street shall be occupied by hedges, tall plantings, automobiles and similar modes of transportation. Such plants or structures shall not be permitted within fifteen (15) feet of an intersecting street corner.

SECTION 8. Mobile Home and Mobile Home Park Regulations.

No Mobile home shall be permitted on any lot or plot of ground except that within a mobile home park or area zoned for a single mobile home. Lots or plots of ground where mobile homes are now located and which are not within a mobile home park shall be regarded as non-conforming use, and be subject to regulations in Section 14, Paragraph 2. (Ordinance 34-1969) See Article V, Section 3A.

SECTION 9. Accessory Structures

1. Definition: Accessory building or structure shall mean a building or structure that is incidental and subordinate to and serves a principal building or principal use and is located on the same site as the principal building or principal use. Accessory buildings

or structures may be permanent or portable. Examples of an accessory building or a structure include site built or prefabricated buildings, shipping or cargo containers, and similar structures but does not include portable play equipment and containers or temporary buildings used on a construction project.

Buses, mobile homes, manufactured homes, RV's, motor vehicles or trailers must comply with all applicable city ordinances. The proposed conversion of one of these to an accessory structure will require a conditional use permit from the Planning Commission.

The requirements of this section do not apply to towers permitted by the commercial communication tower provisions of this ordinance.

2. Timing: No accessory building or structure shall be erected or placed on any property prior to the issuance of the building permit for the principal structure, unless the accessory structure shall have been approved by the Planning Commission as a conditional use. A building permit is required for any accessory building or structure and the minimum building permit fee shall be based on the currently approved building permit fee schedule with a minimum fee of \$20.00.
3. Height: An accessory building or structure on residential property shall not exceed the height of the principal structure or the permitted height limits of the zoning district, whichever is less. A commercial or industrial accessory building or structure shall comply with the requirements of the zoning district.
4. Setbacks: The accessory building or structure shall comply with the required minimum setbacks of the zoning district. Accessory buildings or structures cannot be located in easements. No residential accessory structure shall extend closer to a street right of way line than the principal structure.
5. Separation: Accessory buildings or structures shall be setback ten (10) feet from a principal or accessory building or structure unless this code or the Fire Code requires a greater separation.
6. Size of Accessory Structures(s): The cumulative total area of all residential accessory buildings or structures shall not exceed 90% of the covered roof area of the principal building. Accessory buildings or structures in commercial or industrial zoning districts shall comply with the lot coverage requirements of this code, the Fire Code or other applicable codes.
7. Compliance with Codes: Any electrical, mechanical or plumbing installed in an accessory building require the necessary permits and inspections to insure compliance with those respective codes.
8. Restrictive Covenants: Nothing in this Ordinance shall be construed as to allow an accessory building or structure which would otherwise violate the restrictive covenants of the subdivision, or other restrictions on use in the chain of title, of the principal structure.
- 9.

SECTION 10. Commercial Communication Towers

1. The purpose-of these regulations is described as follows:
 - (a) Minimize the adverse effects and impact of towers through careful design, siting, and screening.
 - (b) Conserve the value of adjacent land and buildings;
 - (c) Avoid potential damage to adjacent properties through engineering and careful siting of tower structures; and
 - (d) Maximize use of existing towers in order to reduce and minimize the number of towers needed.
2. A Commercial Communication Tower is a structure designed to have a telecom antenna attached to it by a for profit or not for profit entity.
3. As defined herein, Commercial Communication towers are prohibited within any public right-of-way, utility easement or residential, government or C-1 zoning districts unless granted by conditional use permit. Such uses are allowed by right within zoning districts C-2, I-1 and 1-2, subject to applicable zoning restrictions as well as the following restrictions set-forth herein.
4. The proposed location for the tower must be large enough to accommodate the communications tower and support facilities and must include access to a public right-of-way of accessible parking area. Purchase of ownership of a separate parcel may require platting and improvements before construction permits can be issued. In order to minimize visual impacts and possible damage that can result from the presence of such facilities, towers (including attached antennae) are limited to monopole construction and shall not exceed two-hundred (200) feet in height. Compliance with all requirements of the Van Buren Building Code, including a licensed engineer's structural certification of the tower structure and foundation, must be demonstrated before a building permit will be issued.
5. All commercial towers must meet the minimum setbacks for the zoning districts in which they are located. Additionally, commercial towers must be set back from any residential structure a number of feet equal to the zone of radius failure plus twenty-five percent (25%) as certified by a tower manufacturer's registered structural engineer who shall be licensed in the State of Arkansas.
6. No lights, signals or illumination shall be permitted on any tower unless required by the Federal Communication Commission (FCC), Federal Aviation Administration (FAA), or other Federal, State, or City agency. No commercial advertising, signage or flags shall be allowed on any tower. This shall not prevent the joint use of a legal existing sign structure as a support mechanism for antennae or microwave dishes. Towers and accessory facilities must be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC, FAA, or other Federal, State, or City agency.
7. The area containing the monopole, accessory and support structures, and the immediate surrounding area utilized for servicing of the communication tower shall be secured by a

minimum eight (8) foot opaque fence. The area within the fence must be either paved or graveled and kept weed-free. Any shrubbery provided will be planted and maintained within the next appropriate growing season. If security lighting is installed, such light should be directed into the site and only triggered by motion detectors.

- 8 To minimize tower proliferation, all reasonable efforts should be made to co-locate facilities on existing or new towers. Antennae may be placed wholly within or upon any building located within a C-2 or industrial zoning district, or any publicly owned building, provided any supporting equipment is screened from nearby residential districts. A commercial antennae may be mounted to the exterior of such buildings if integrated into the overall architectural design of the building. Roof mounted antennae may not extend more than twenty (20) feet above the highest point of the roof structure, provided any supporting equipment is screened from nearby residential districts. A commercial antennae may be attached to any utility structure (such as a water tower or electrical transmission tower) or to a public building not located in a street right-of-way and owned by a government or public agency, provided that the antennae does not extend more than twenty (20) feet above the height of the structure, provided any supporting equipment is screened from nearby residential district. At the time a building permit is issued, the Planning Department may notify all existing telecommunication providers of the opportunity for co-location. Notice of a desire to co-locate shall be given within sixty (60) days of the receipt of said notice,
- 9 Vehicular access to the tower site shall be limited to a major street if the site adjoins both a major street and a local street. If the tower site contains on-site personnel, at least one space shall be provided for each two (2) on-site personnel plus one additional space.
- 10 A building permit is required for any new tower construction, tower addition, tower alteration, and the addition or relocation of any antenna equipment on a tower. The building permit fee shall be \$250.00. Prior to commencing development of any proposed work on the tower site, construction plans shall be submitted to the City's Building Department in accordance with the City's building permit review procedures and the requirements of this Ordinance.
- 11 An antenna and tower for the following uses are exempt from these requirements:
 - (1) Ham radios;
 - (2) Citizen band radios;
 - (3) Non-Commercial Radio, Television Receiving and Broadcasting.

These are permitted uses in any zoning district if accessory to a permitted use and comply with the applicable regulations of the zoning district in which they are situated and must be located on the same lot as the principal building or use. A building permit is required for accessory towers. The building permit fee for a residential accessory tower is \$20.00. An antenna and tower that is not an accessory must comply with all the provisions of this ordinance including permits and fees.

12. In the event there is a direct conflict between these regulations and Federal Communication Commission (FCC) regulations or Federal Aviation Administration (FAA) regulations, or any other Federal or State regulations, said regulations shall govern.
- 13 At such time that the tower ceases to be used for communication purposes for a period exceeding two (2) consecutive months, the owner shall dismantle and completely remove the tower and all associated equipment from the property and make all reasonable efforts

to return the property to its prior condition.

- 14 The Planning Commission shall hear request for variances from the literal provisions of the zoning chapter in accordance with the requirements set forth in Ordinance No. 7-1963. The denial of a variance request shall be in writing and supported by substantial evidence in a written record.
- 15 On or before January 15th of each new year, all telecommunication providers which are not expressly exempted by other provisions of this section shall, on a good faith basis, forecast the number of improvements and/or installations planned with the City of Van Buren within the ensuing twelve consecutive months.

The information shall be submitted to the City of Van Buren Planning Department. The information obtained from all companies shall be analyzed and compared as to redundancy or geographic duplication of facilities. Where it is determined that a potential for co-location exists, the affected companies will be contacted and a meeting shall be arranged for the purpose of plan review,

The City of Van Buren acknowledges that some or all of the data and information to be provided on an annual basis to the City by the telecommunication providers may contain confidential information in which the respective provider has a proprietary interest. The City also acknowledges that such information or data, if disclosed, might give some advantage, economic or otherwise, to the provider(s) competitor(s). Consequently, the City agrees that its Board of Directors, administration staff and employees will maintain the confidentiality of such information or data to the fullest extent possible under the Federal and/or Arkansas Freedom of Information Acts.

If no capital facilities expansion is planned for the coming year, a letter to that effect shall be submitted to the City of Van Buren Building Department.

Improvements in excess of two-thirds of the cost of the structure shall be considered a replacement. All replacements shall be subject to re-application under Paragraph J.

16. Damage or destruction to an existing or new tower structure that is in excess of two-thirds of the cost of the original structure shall be considered complete destruction of the structure and the replacement and/or repair of said structure is subject to all existing law, including zoning and building code requirements.
17. Upon approval of a conditional use permit, a building permit and/or variance permit, construction must begin within one (1) year or the permit shall be null and void. An applicant requesting an extension of their permit may submit a revised construction schedule to the Van Buren Building Department within the one (1) year period, with said extension not to be unreasonably withheld.

SECTION 11: Indoor Firing Range

All conditional use permits issued for an indoor firing range shall be subject to the conditions in Chapter 7.48.03 of the Municipal Code.

ARTICLE V. Provisions Governing Zoning Districts.

SECTION 1. R-1 Family Residential District

1. Permitted Uses

- a. Detached one family dwellings
- b. Schools offering a general education course
- c. Library
- d. General Purpose farm, garden or nursery
- e. Private club not conducted for profit
- f. Municipal recreation or water supply use
- g. Accessory structures and uses pertinent to the principal structure and use.
- h. A conditional use authorization under the Van Buren Permitted and Conditional Use Legend and approved by the Planning Commission.

2. Lot Area

One family dwelling: Minimum 8,500 square feet.

3. Yard Requirements

- a. Front yard: 25 feet from property line or 50 feet from center line of existing right-of-way, whichever is greater. All residential lots on a cul-de-sac street that have frontage on the radius of the cul-de-sac are permitted to have a front yard setback of 20 feet.
- b. Side yard: minimum 7 ½ feet from each property line. EXCEPTION: open attached car port may be constructed to within five feet of one side yard boundary. (Ord. 4-1994)
- c. Side yard street: 15 feet from street property line or 35 feet from centerline of existing right-of-way, whichever is the greater. (Ord.6-1974)
- d. Rear yard: minimum of 20 feet from property line or center of alley where one exists.
- e. Nonconforming Lots that are 50 feet wide or less in width and were platted prior to the adoption of this ordinance are permitted to have setback reductions for single family structures as follows: The side yard street setback can be reduced to 14 feet from the street property line and the interior side yard setback can be reduced to 6 feet from the property line.

4. Width. Minimum width of a lot at the front yard line or building line shall be 66 feet for one family dwelling.

5. Height. Maximum height of a structure shall be two stories and not to exceed 35 feet.

6. On-Lot Parking Space

One family: One on-lot parking space shall be provided.

7. Places of Public Assembly

- a. Height. Maximum height shall be two stories and not to exceed 35 feet for that portion of the structure utilized for assembly or offices.
- b. Yard Requirements. Minimum of 25 feet set back from all property lines. On property abutting a street, 25 feet from property line or 50 feet from center of street, whichever is greater.
- c. On-Lot Parking. Places of public assembly shall provide one on-lot parking space per each six persons accommodated in the assembly hall.

SECTION 1-B: R-1B Townhouse/Zero Lot Line Residential District

The provisions of this zoning classification shall be the same as the provisions governing Section 1, R-1 Zones, with the following exceptions and/or additional requirements:

- 1. Permitted Uses: Townhouses and zero lot line dwellings
- 2. Definitions:
 - a. Zero lot line: Single family residences which have a zero lot line lot configuration.
 - b. Townhouse: Single family residences which have either a townhouse design or a condominium ownership regime.
- 3. Minimum Lot Area: 2,200 square feet for townhouses and 5,000 square feet for zero lot line dwellings. The total building coverage shall not exceed sixty percent (60%) of the lot area.
- 4. Minimum Lot Width: Minimum width of 22 feet for townhouses and 50 feet for zero lot line dwellings.
- 5. Yard Requirements:
 - a. Front Yard: 20 feet from property line or 45 feet from centerline of existing right-of-way; whichever is greater.
 - b. Side Yard: On zero lot lines lots, there shall be a ~~40~~ 7.5 foot minimum setback and at least 15 feet between adjacent buildings. Corner lots shall have a 15 feet minimum set back. None for townhouses except that on corner lots the minimum side yard shall be 20 feet. When an end unit of a townhouse does not side on a street, an open space of at least 20 feet in width shall be provided between any adjacent structures.
 - c. Rear Yard: 20 feet for townhouse and zero lot line houses. However, spaces may be used for open carports.
- 6. Off Street Parking: A minimum of two parking spaces per dwelling unit.

7. Dwelling Units: A minimum of 3 and a maximum of 8 living units shall be permitted in each row of townhouses.
8. Additional Conditions:
 - a. Public services and facilities are adequate to serve the zero lot line or townhouse development;
 - b. Health, safety, and welfare will not be jeopardized as a result of the proposed development;
 - c. Any and all specific conditions deemed necessary by the Planning Commission to fulfill the above-mentioned conditions shall be met by the applicant
 - d. Common wall/lot guidelines:
 - i Zero lot line--the wall of the dwelling located on the zero lot line shall have no windows, doors, air-conditioning units, or any other type of openings; provided, however, that, atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit. In no case shall a zero lot line dwelling be built closer than eight (8) feet from the lot line of a lot not approved for zero lot line development.
 - ii Townhouse--Units shall be constructed up to common side lot lines without side yards, and no windows, doors, or other openings shall face a side lot line except that the outside wall of end units may contain such openings. However, where a two-story townhouse adjoins a single-story townhouse, windows may be installed in the second-story wall of the two-story townhouse.
 - e. Drainage: A five (5) foot wall maintenance/improvement/drainage easement shall be provided on the lot adjacent to the zero lot line property, which, with the exception of walls and fences, shall be kept clear of structures. The easement shall be shown on the final plat. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is contained within the easement area. Roofs pitched in the direction of the zero lot line shall be guttered.
 - f. Fire Wall Specifications: The dwelling wall abutting the zero lot line or townhouse shall comply with the current building code requirements.
9. Exclusivity of this Section: Attached zero line and townhouse development is only allowed pursuant to this ordinance.

SECTION 2. R-2 Family Residential District

1. Permitted Uses

- a. One-family dwellings
- b. Two-family dwellings
- c. Parks, playgrounds, etc.
- d. Schools offering a general education course
- e. Kindergartens (public or private)
- f. Accessory structures and uses pertinent to the principal structure and use.
- g. A conditional use authorization under the Van Buren Permitted and Conditional Use Legend and approved by the Planning Commission.

2. Lot Area

- a. One-family: Minimum 7,000 square feet for first unit
- b. Two-family: Minimum 9,000 square feet

3. Yard Requirements

- a. Front yard: 25 feet from property line or 50 feet from centerline of existing right-of-way, whichever is greater. All residential lots on a cul-de-sac street that have frontage on the radius of the cul-de-sac are permitted to have a front yard setback of 20 feet.
- b. Side yard: Minimum 7 ½ feet from each property line. EXCEPTION: One open attached carport may be constructed to within five feet of one side yard boundary.
- c. Rear yard: Minimum of 20 feet from property line of center of alley where one exists.
- d. Side yard: Minimum of 15 feet from street property line or 35 feet from Street: center line of existing right-of-way whichever is greater. (Ordinance #11-1997)
- e. Nonconforming Lots that are 50 feet wide or less in width and were platted prior to the adoption of this ordinance are permitted to have setback reductions for single family structures as follows: The side yard street setback can be reduced to 14 feet from the street property line and the interior side yard setback can be reduced to 6 feet from the property line.

4. Width

Minimum width of a lot at the front yard line or building line shall be 60 feet for one-family dwelling and 75 feet for two-family dwellings.

5. Height

Maximum height of a structure shall be two stories and not to exceed 35 feet.

6. On-Lot Parking Space

One-family and two-family: One on-lot parking space shall be provided for each family unit.

7. Places of Public Assembly

a. Height

Maximum height shall be two stories and not to exceed 35 feet for that portion of the structure used for assembly or offices.

b. Yard Requirements

Minimum of 25 feet set back from all property lines. On property abutting a street, 25 feet from property line or 50 feet from center of street, whichever is greater.

c. On-lot Parking

Places of public assembly shall provide one on-lot parking space per each six persons accommodated in the assembly hall.

SECTION 3. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

1. Permitted Uses

- a. One-family dwellings
- b. Two-family dwellings
- c. Multi-family dwellings
- d. Park, Playgrounds, etc.
- e. School offering a general education course
- f. Kindergartens (public or private)
- g. Accessory structures and use pertinent to the principal structure and use.
- h. A conditional use authorization under the Van Buren Permitted and Conditional Use Legend and approved by the Planning Commission.

2. Lot Area

- a. One-family: Minimum 5,500 square feet for first unit
- b. Two-family: Minimum 7,000 square feet
- c. Multi-family-efficiency or 1 bedroom units: 7,000 square feet for the first two-family units plus 1,000 square feet for each additional unit.
- d. Multi-family-more than 1 bedroom units: 7,000 square feet for the first two family units plus 1,500 square feet for each additional unit.

3. Yard Requirements

- a. Front Yard: 20 feet from property line or 40 feet from center line of existing right-of-way, whichever is greater.
- b. Side Yard: Minimum 7 1/2 feet from each property line.
- c. Side Yard Street:
 - (1) One and two family dwelling: 15 feet from street property line or 35 feet from the centerline of existing right-of-way whichever is greater. (Ordinance #11-1997)
 - (2) Multi-family dwelling: 20 feet from street property line or 40 feet from the centerline of existing right-of-way whichever is greater. (Ordinance #11-1997)
- d. Rear Yard:
 - (1) One-family dwellings: Minimum of 20 feet from property line or center of alley where one exists.

- (2) Two-family dwellings: Minimum of 20 feet from property line or center of alley where one exists.
- (3) Multi-family dwellings: Minimum of 7 ½ feet from property line or center of alley where one exists.

In no case, may a dwelling structure cover more than 60% of an area.

e. Nonconforming Lots that are 50 feet wide or less in width and were platted prior to the adoption of this ordinance are permitted to have setback reductions for single family structures as follows: The side yard street setback can be reduced to 14 feet from the street property line and the interior side yard setback can be reduced to 6 feet from the property line.

f. Building Separation: There shall be a minimum of 20' of separation between buildings constructed on the same lot.

4. Width

Minimum width of a lot at the front yard line or building line shall be 50 feet for one family dwelling and 60 feet for two-family dwelling. For each additional unit sufficient width shall be added to insure sufficient parking and recreation available for tenants.

5. Height

Maximum height of a structure shall be two stories and not to exceed 35 feet. (Ord, 16-2001)

6. On-Lot Parking Space

- a. One-family and two-family: One on-lot parking space shall be provided for each family unit.
- b. Multi-family: four on-lot parking spaces shall be provided for the first two family units, plus one and one-half parking space for each additional family unit.

7. Places of Public Assembly

a. Height

Maximum height shall be two stories and not to exceed 35 feet for that portion of the structure used for assembly or office.

b. Yard Requirements

Minimum of 25 feet set back from all property lines. On property abutting a street, 25 feet from property line or 50 feet from center of street, whichever is greater.

c. On-Lot Parking

Places of assembly shall provide one on-lot parking space per each six persons accommodated in the assembly hall. (Ord.18-1969)

SECTION 4. R-3B CONDOMINIUM DISTRICT

The provisions of this zoning classification shall be the same as the provisions governing Section 3, R-3 Zones, with the following exceptions and/or additional requirements:

- 1. A. Permitted Uses: Condominiums.

B. Conditional Uses: Churches

2. Definitions:

A. Condominium: A form of ownership in which individuals purchase and own a unit of housing in a multi-unit complex; the owner also shares financial responsibility for common areas;

B. Condominium Act: The Arkansas Horizontal Property Act (Ark. Code Ann. §18-13-101 et. seq.);

C. Master Deed: the basic condominium document that must be registered by the originating property owner prior to the conveyance of the first unit sold. Also referred to as the condominium declaration, the master deed thoroughly describes the entire condominium entity, and specifies essential elements of ownership that permanently govern its operation;

D. All other definitions for terms set forth in the Arkansas Condominium Act are adopted hereto by reference.

3. INTENT: The intent of this article is to regulate the division and development of land under the ARKANSAS HORIZONTAL PROPERTY ACT (Ark. Code Ann. §18-13-101 et. seq.), so that the development is comparable in quality of design to property divided and developed by other methods, and conforming to the nature of the adjacent zoning.

4. REVIEW REQUIREMENTS: In order to ensure compliance with this ordinance, all condominium developments shall go through the site plan review process.

A. In addition to the information otherwise required in the Zoning Ordinance for Van Buren, all applicants for condominium site plan review shall submit the following documentation:

- i. A copy of the proposed condominium master deed that conforms with Ark. Code Ann. § 18-13-105;
- ii. A copy of the proposed condominium site plan sealed by a professional engineer registered in the State of Arkansas;
- iii. A copy of the proposed condominium by-laws;
- iv. A copy of all restrictive covenants; and
- v. A project site plan in an electronic format acceptable to the Planning Department.

B. Preliminary Review: Prior to recording of the Master Deed of the condominium project each condominium project shall be reviewed by the Subdivision Review Sub-Committee and receive a preliminary condominium site plan all addressing approval from the Planning Commission.

C. Final Review: Prior to receiving a permit for construction of any improvements to the land, a condominium project shall be reviewed by the Planning Commission and receive final condominium site plan 911 addressing approval from the City Council.

D. Required Plan Information: Application for a preliminary condominium site plan review may be provided to the Planning Department at least twenty (20) days in advance of a

meeting for which a review is scheduled. The preliminary review will allow a developer to receive a limited approval for project lot sizes, structure orientations, and street layout only. The following information must be included on, or attached to a preliminary condominium project site plan:

- i. Ownership Interests: All persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (for example, fee owner, option holder, lessee, or land contract vendee);
- ii. Density: The total acreage of the condominium site, acreage set aside for roads, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis;
- iii. Street and Sidewalk Plan: The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any street(s) as to private ownership or proposed dedication to the public. Plans must conform to Van Buren Minimum Street Standards;
- iv. Structure Orientation: The proposed layout of structures, parking areas, open space and recreation/park areas;
- v. Drainage: Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention and/or detention areas in conformance with Van Buren Minimum Drainage Standards;
- vi. Natural Features: Specific locations and dimensions of wetland areas, wetland buffers, flood plain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. Acreage of wetland areas and open space;
- vii. Landscaping: Proposed landscape screening, including greenbelt and berms, and screening walls and a maintenance plan detailing maintenance responsibilities;
- viii. Condominium Regulations: All deed restrictions or other regulations proposed to be included in the condominium documents in the nature of restrictive covenants which regulate the layout, use and maintenance of public or common areas, accessory structures, payment of assessments, and enforcement of condominium regulations;
- ix. Common Areas: Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas must be clearly delineated on the site plan.

5. GENERAL REQUIREMENTS:

A. Condominium Lot: For all purposes of this section, each condominium unit shall be considered the equivalent of a platted lot of record as defined in this Ordinance and shall comply with all applicable zoning regulations. The relocation of the boundaries or any other change in the dimensions of a condominium unit shall be considered an amendment to the condominium documents of the project and the related site plan.

B. Area Computation: Any area within a public or private street right-of-way shall not be included in the computation of the minimum area of a condominium lot or in determination of dwelling density for a site.

C. Utility Connections: Each condominium unit shall be separately connected to any available community or public water supply. This requirement may be waived by the City Council for cause upon recommendation of the City Engineer.

D. Roads in Condominium Projects: All public or private streets within a condominium project shall conform to the standards and specifications of this Ordinance and/or those established by the Van Buren Municipal Code.

6. SITE REGULATIONS:

A. Yard Requirements:

- i. Front Yard: Twenty (20) feet from property line or forty-five (45) feet from centerline of existing right-of-way, whichever is greater;
- ii. Side Yard: There shall be a ten (10) foot minimum setback and at least twenty (20) feet between adjacent buildings. Corner lots shall have a fifteen (15) feet minimum set back. When an end unit of a condominium does not side on a street, an open space of at least twenty (20) feet in width shall be provided between any adjacent structures;
- iii. Rear Yard: Twenty-five (25) feet, however, spaces may be used for open carports.

B. Height and area regulations:

- i. Height. The height of primary residential dwellings shall not exceed two and a half (2½) stories, or thirty-five (35) feet. For other uses buildings shall not exceed twenty-five (25) feet in height;
- ii. Building area. The living area shall be not less than six hundred fifty (650) square feet per one (1) bedroom unit and seven hundred fifty (750) square feet per two (2) bedroom unit;
- iii. Density shall not exceed sixteen (16) dwelling units per acre.

C. Construction: Abutting buildings or dwelling units shall comply with current city building codes.

D. Site Plan Requirements:

- i. The legal description of the land, showing the land involved and the location of each building (existing or proposed), each unit and building unit denoted by letter or number, (i.e., A, B; 1, 2, etc.);
- ii. The general description and the number of each unit in the development intended for individual ownership expressing its square footage, location and/or any other data necessary for its identification;
- iii. The general description of any other area to be subject to individual ownership and exclusive control, appropriately lettered or numbered;
- iv. The description of the general common elements;
- v. The description of the limited common elements;
- vi. Any further provisions, matters or covenants necessary.

E. Property Owners Association: The developer shall establish an appropriate ownership association for the development. Only one association shall be established for the entire development. The instrument shall be submitted to the city for review prior to submittal of the final plat. In establishing such an association regime, a master deed, lease or declaration declaring such intention and setting forth the organization of such regime shall be filed at the office of the county clerk. The property owners declaration shall address the following items:

- i. Define what is owned and by whom, including specific location and parameters of the individual unit and the ownership interest of the owners or the association in the common elements;
- ii. Establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- iii. Establish an array of protective standards or restrictions designed to place limits and to ensure that a certain level of appearance is maintained;
- iv. Create an administrative vehicle to manage those elements shared in common and to enforce standards;
- v. Provide for the operation and financing of the association.

F. Open space: The total of all open space in any unified development shall be at least twenty-five percent (25%) of gross acreage; provided, however, that the developer may provide less than twenty-five percent (25%) open space upon obtaining approval from the Planning Commission by demonstrating that the character of the amenities incorporated in the development warrant such decrease. In no case shall the open space requirement be reduced to less than ten percent (10%) of the total land area of the development. In granting a decrease in open space, the Planning Commission shall consider such factors as the quality of the open space provided and the provision of facilities such as tennis courts, swimming pools, playground equipment and other recreational facilities. Open space shall include all areas not covered by structures, streets or parking. The open space must be restricted for the exclusive use of owners within the development and owned, managed, and maintained under the property owners' association.

G. Off Street Parking: A minimum of two (2) off-street parking spaces per condominium unit.

H. Places of Public Assembly:

- i. Height: Maximum height shall be two stories and not to exceed thirty-five (35) feet for that portion of the structure used for assembly or offices;
- ii. Yard Requirements: Minimum of twenty-five (25) feet set back from all property lines. On property abutting a street, twenty-five (25) feet from property line or fifty (50) feet from center of street, whichever is greater;
- iii. Parking: Places of public assembly shall provide one (1) off-street parking space per each six (6) persons accommodated in the assembly hall.

I. Additional Conditions:

- i. Public services and facilities are adequate to serve condominium development;
- ii. Health, safety, and welfare will not be jeopardized as a result of the proposed development;
- iii. Any and all specific conditions deemed necessary by the Planning Commission to fulfill the above-mentioned conditions shall be met by the applicant.

J. Common wall/lot guidelines: Common walls of unit built subject to this section shall have no windows, doors, air-conditioning units, or any other type of openings; provided, however, that, atriums or courts shall be permitted on common boundaries when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided thereto. Said wall shall be constructed of the same material

as exterior walls of the unit. In no case shall a condominium dwelling be built closer than eight (8) feet from the lot line of a lot not approved for condominium development.

7. CONDOMINIUM DESIGN STANDARDS: Condominium developments shall comply with all other design standards contained in other City of Van Buren Ordinances not inconsistent with the provisions herein.

8. Exclusivity of this Section: Condominium is the only use permitted in the R-3B Condominium District.

SECTION 3A. R-4 Mobile Home District

1. Intent

The intention of this Section is to encourage groupings of mobile homes into Mobile Home Districts where facilities are adequately and specifically designed to serve mobile homes and the occupants, thereof; and provide reasonable conditions and standards for the location and installation of mobile homes within the corporate limits of Van Buren.

2. Permitted Uses

- a. Mobile Home Parks
- b. Mobile Home Park Accessory, Service Buildings and Manufactured Homes
- c. A conditional use authorization under the Van Buren Permitted and Conditional Use Legend and approved by the Planning Commission.

3. Planning Commission Approval Required for Location of Mobile Homes Outside Mobile Home Parks.

Prior to the location or installation of a mobile home within the City Limits of Van Buren, other than on a parcel or plot of ground previously zoned as an R-4 Mobile Home District, application shall be made to the Planning Commission for a change in zoning classification.

SUBSECTION 3-A. Mobile Homes

1. Mobile Home Parks

a. Location

Mobile Home Parks may be located in a R-4 Mobile Home District under the provisions of this Subsection.

b. Definition of Terms

Unless otherwise stated, the following words shall for the purpose of this Subsection have the meanings indicated.

(1) Licenser

Means any person licensed to operate and maintain a mobile home park within the city limits of Van Buren, Arkansas.

(2) Mobile Home

A dwelling unit constructed in a factory before the enactment of 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. 5410 et seq. as it existed on January 1, 1976.

(3) Mobile Home Park

Means a planned development of not less than two (2) acres designed exclusively for the accommodation of mobile homes occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations.

(4) Mobile Home Space

Means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

c. Regulatory Agencies.

All current rules and regulations of Federal, State, and local agencies governing the design and construction of mobile home parks, including FHA, FHMA, and Arkansas Board of Health shall be complied with.

d. Development Plan Required

Prior to commencing construction, the owner or developer of a mobile home park shall submit a detailed site plan of the proposed development to the Van Buren Planning Commission for review and approval. The site plan shall show the location of all proposed improvements. The Planning Commission may also require that the site plan show the topography of the area. All mobile home parks shall conform to the following minimum requirements:

(1) Where any boundary of a mobile home park directly abuts property which is improved with a permanent residential building or directly abuts unimproved property which may, under existing laws and regulations, be used for permanent residential building construction, a wall, solid fence or shrubbery screening with a minimum height of 5'4" shall be required along such boundary.

(2) The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage, and free from stagnant pools of water.

(3) Each mobile home park shall provide mobile home spaces, and such space shall be clearly defined or delineated. Each space shall have an area of not less than 3,600 square feet and a width of not less than 40 feet and 99 feet long.

(4) Mobile homes shall be so located on each space that there shall be at least a 15-foot clearance between mobile homes. No mobile home shall be located closer than 10 feet to any building within the park, or to any property line of the park which does not abut upon a public street or highway than 25 feet or such other distances as may be established by ordinance or regulation as front yard or set back requirement with respect to conventional buildings in the zone in which the mobile home park is located.

(5) All mobile home spaces shall abut upon a driveway of not less than 26 feet in width, which shall have unobstructed access to a public street or highway. The Planning Commission shall determine the number of entrances and exits to and from the trailer park to conform to adequate public safety. Inferior streets shall be of sufficient width and load bearing ability to allow free access of municipal police, fire, and other service vehicles.

(6) Walkways not less than four feet wide shall be provided from the mobile homes spaces to the service and recreation areas if such areas exist.

(7) All driveways and walkways within the park shall be hard surfaced and well lighted at night, and must meet the specifications of the City of Van Buren.

(8) All sanitary and service facilities shall comply with the rules and regulations of the

State Department of Health.

(9) An electrical outlet supplying at least 100-115/220-250 volts 50 amperes shall be provided for each mobile home space.

(10) All utility lines (water, gas, electricity, telephone, cable TV, etc.) must be installed underground.

e. Service Connections

All service connections (water, gas, electricity, sewer, etc.) must be at the back end of each trailer space. These connections must conform with the Arkansas State Department and Van Buren Codes and Ordinances.

f. Water Supply

All adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, and cleansing facilities, if such buildings are required.

g. Sewage and Refuse Disposal

(1) Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances, or into a private sewer and disposal plant system of such construction and in such manner as will present no health hazard.

(2) Each mobile home space shall be provided with a sewer line at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant system of such construction and in such manner as will present no health hazard. Plans for construction of sewage disposal and/or treatment facilities shall be approved by the State Board of Health and the City of Van Buren, Arkansas.

(3) The disposal of trash and garbage shall be governed by existing ordinances of the City of Van Buren, Arkansas.

h. Fire Protection

Every park shall be equipped at all times with fire extinguishing equipment and hydrants in good working order of such type, size and number and so located within the park as to satisfy applicable regulations of the Fire Department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

i. Supervision

The owner or operator, or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable with the owner or operator for the violation of any provision of this ordinance to which the owner or operator is subject. (Ordinance 5-1972)

SECTION 3-B. R-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

1. Permitted Uses

- a. One-family dwellings
- b. Manufactured homes that are permanently installed on a lot in a manner which is in compliance with current United States Department of Housing and Urban Development guidelines for Manufactured Home foundations
- c. Park, Playgrounds, etc.
- d. School offering a general education course
- e. Kindergartens (public or private)
- f. Accessory structures and use pertinent to the principal structure and use.

2. Lot Area

Minimum 7,000 square feet for first unit.

3. Yard Requirements

- a. Front Yard: 25 feet from property line or 50 feet from center line of existing right-of-way, whichever is greater. All residential lots on a cul-de-sac street that have frontage on the radius of the cul-de-sac are permitted to have a front yard setback of 20 feet.
- b. Side Yard: Minimum 7 1/2 feet from each property line. EXCEPTION: One open attached carport may be constructed to within five feet of one side yard boundary.
- c. Side Yard Street: Fifteen feet from street property line or 35 feet from center line of existing right-of-way, whichever is the greater.
- d. Rear Yard: 20 feet from property line or center of alley, whichever is greater.

4. Width

Minimum width of a lot at the front yard line or building line shall be 60 feet for one-family dwelling.

5. Height

Maximum height of a structure shall be two stories and not to exceed 35 feet.

6. On-Lot Parking Space

One on-lot parking space shall be provided for each family unit.

7. Places of Public Assembly

a. Height

Maximum height shall be two stories and not to exceed 35 feet for that portion of the structure used for assembly or office.

b. Yard Requirements

Minimum of 25 feet set back from all property lines. On property abutting a street, 25 feet from property line or 50 feet from center of street, whichever is greater.

c. On-Lot Parking

Places of assembly shall provide one on-lot parking space per each six persons accommodated in the assembly hall.”

SECTION 3-C. Restriction on Exterior Signs in All Residential Districts.

1. General Restriction

Unless approved and authorized by the Planning Commission as a part of a conditional use permit, no exterior sign, billboard, advertisement or other graphic display of any type, whether free standing, affixed to a structure or painted on a structure, shall be permitted in any residential zone now existing or later created, except as provided in the following subsection.

2. Permitted Signs in Residential Districts

Owners and occupants of property in residential districts and their agents may display any exterior sign of reasonable size of the following types only:

- a. A sign indicating opinion on a public issue, political matter, or religious matter, including church affiliation and support for political candidates.
- b. A sign indicating real estate or dwellings for rent or sale, including " open house " signs.
- c. Any signs of information such as street, house or apartment names and numbers.
(Ordinance No. 13-1974)

SECTION 4. C-1 Central: Commercial District.

1. Permitted Uses.

- a. Retail establishments providing goods and services such as grocery, drug, hardware, variety stores and similar uses, and hotels, motor hotels, restaurants.
- b. Office and bank buildings and uses.
- c. Processing and manufacturing that by reason of operation are not a nuisance in respect to noise, odor, dust, vibration, etc.
- d. Wholesaling and warehousing.
- e. Bulk storage on non-combustible materials.
- f. Automotive service, repair and storage, provided that wrecked or salvaged vehicles are stored inside a building or are enclosed by a solid fence and are not visible to the public from the street or sidewalk.
- g. Hospitals, nursing homes, doctor and dental clinics, etc.
- h. A conditional use authorization under the Van Buren Permitted and Conditional Use Legend and approved by the Planning Commission

2. Height.

Maximum height of a structure shall be three stories and not to exceed 48 feet.

3. Rear Yard.

Minimum: 20 feet from property line or center of alley where one exists.

4. Loading and Unloading

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

5. Fire Limits

Land in the Central Businesses District shall be included within the fire limits of the City of Van Buren, Arkansas.

SECTION 5. C-2 Thoroughfare Commercial District

1. Permitted Uses

- a. Retail establishments providing goods or services.
- b. Office, Churches and bank buildings and uses.
- c. Automotive service, repair and storage provided that wrecked or salvage vehicles are stored inside a building or are enclosed by a solid fence and are not visible to the public from the street or sidewalk.
- d. Motels, tourist courts. (Ordinance 34-1969 & Ordinance 5-1972)
- e. Hospitals, nursing homes, doctor and dental clinics, etc.
- e. A conditional use authorization under the Van Buren Permitted and Conditional Use Legend and approved by the Planning Commission

2. Street Yard Requirements

- a. Front yard: Minimum of 25-feet from all street property lines or 50-feet from center line of existing right-of-way, whichever is greater.
- b. Side Yard: There shall be a 10 foot minimum setback from each property line and at least 20 feet between adjacent buildings. Minimum of 20-feet from street property line or 35-feet from center line of existing right-of-way, whichever is greater. (Ordinance 6-1974 & 32 -2007)
- c. Rear Yard: There shall be a 10 foot minimum setback from each property line and at least 20 feet between adjacent buildings. (Ordinance 32-2007).

3. Height

Maximum height of a structure shall be two stories and not to exceed 35-feet. (Ordinance 16-2001)

4. On-Lot Parking Space

- a. On lot parking facilities shall be provided all employees.
- b. Provisions shall be made for on-lot and customer parking to handle normal anticipated demand.
- c. Motels, tourist courts, mobile home parks, shall provide one on-lot space for each sleeping unit or mobile home space.

5. Loading and Unloading

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

6. Mobile Home Park

Repealed by Ordinance 34-1969

7. Salvage items and open display.

- a. No permanent open display will be permitted on sidewalks or public right of way.

- b. There shall be no open display of any salvage items in the first twenty (20) feet of any street right of way.
- c. No required parking lot area shall be used for storage or display of salvage items.
- d. Outdoor storage shall be maintained in a manner that does not collect trash, debris, and vermin.
- e. Outdoor storage shall be arranged so that it allows for fire department access to the premises. All outdoor storage shall be approved by the Fire Official.
- f. All approved outdoor storage of salvage items shall be screened by a permanent opaque screening fence or wall constructed of standard fencing materials so that it cannot be seen from an adjoining property or street right of way.

SECTION 6. I-1 Light Industrial District

1. Permitted Uses

- a. 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.
- b. The storage of bulk materials that will not endanger the health, safety and general welfare of the people.
- c. Retail uses that are accessory to the above operation and other essentially similar uses such as animal hospitals, repair shops, transportation terminals, wholesale outlets, farm machinery sales, lumberyards, restaurants, and service stations.
- d. 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. (Ordinance 34-1969)
- e. Hospitals, nursing homes, doctor and dental clinics, etc.
- f. A conditional use authorization under the Van Buren Permitted and Conditional Use Legend and approved by the Planning Commission

2. Residential Use Prohibited

No structure may be constructed or altered for residential use.

3. Area

Lot coverage: No structure(s) may cover more than 75 percent of the lot area.

4. Yards

- a. All structures shall be built at least 25 feet from all property lines.
- b. Where property abuts a railroad where siding facilities are utilized, structures may be built up to the railroad property line.

5. On-lot Parking

Adequate on-lot parking space shall be provided for all employees and visitors.

6. On-lot Loading and Unloading Facilities

Each- structure or use shall provide on-lot loading and unloading facilities which will not block a street, alley, or other public way.

7. Salvage items and open display.

- a. No permanent open display will be permitted on sidewalks or public right of way.
- b. There shall be no open display of any salvage items in the first twenty (20) feet of any street right of way.
- c. No required parking lot area shall be used for storage or display of salvage items.
- d. Outdoor storage shall be maintained in a manner that does not collect trash, debris, and vermin.
- e. Outdoor storage shall be arranged so that it allows for fire department access to the premises. All outdoor storage shall be approved by the Fire Official.
- f. All approved outdoor storage of salvage items shall be screened by a permanent opaque screening fence or wall constructed of standard fencing materials so that it cannot be seen from an adjoining property or street right of way.

SECTION 7. I-2 Heavy Industrial District

1. Permitted Uses

- a. All uses permitted I-1 except eating establishments and retail food stores.
- b. The manufacture of heavy, raw products and those operations that are generally objectionable to residential and business uses; including animal and poultry slaughter, foundries, saw mills and junk yards.
- c. Hospitals, nursing homes, doctor and dental clinics, etc.
- d. A conditional use authorization under the Van Buren Permitted and Conditional Use Legend and approved by the Planning Commission

2. Uses Prohibited

Any industry, use or activity determined by the State Health Office to be injurious, noxious, offensive or hazardous by reason of the emission or odor, dust, fumes, smoke, noise or vibrations.

3. Residential Use Prohibited.

No structure may be constructed or altered for residential use.

4. Other Requirements

- a. Yard, height, parking and loading and unloading requirements must comply with the provisions of I-1 paragraphs 4 through 6, inclusive.
- b. Lot coverage: No structure(s) may cover more than 60 percent of the lot area.

5. Salvage items and open display.

- a. No permanent open display will be permitted on sidewalks or public right of way.
- b. There shall be no open display of any salvage items in the first twenty (20) feet of any street right of way.
- c. No required parking lot area shall be used for storage or display of salvage items.
- d. Outdoor storage shall be maintained in a manner that does not collect trash, debris, and vermin.
- e. Outdoor storage shall be arranged so that it allows for fire department access to the premises. All outdoor storage shall be approved by the Fire Official.
- f. All approved outdoor storage of salvage items shall be screened by a permanent opaque screening fence or wall constructed of standard fencing materials so that it cannot be seen from an adjoining property or street right of way.

SECTION 8. Government and Public Use Zone

1. Permitted Uses

Land, which is owned by a government authority or otherwise dedicated to a public use, shall be classified to this zone. The uses permitted to such land are those designated by the owner of the land or stated in the dedication to public use.

2. Restriction on Construction

No building, street, road, drainage or other construction or improvement of any type shall be installed until the City Engineer has issued his letter certificate that said construction will not adversely affect the neighborhood, including drainage therein, and that any road, street or highway construction including drainage therein does not conflict with the major street plan of the City. If permitted by law, the reasonable fees of the city engineer for said review shall be paid by the applying government authority. All land in the city presently owned by a governmental authority or agency is classified into a G-Zone district on the effective date of this amendment. (Ordinance No. 13-1974)

SECTION 9. Open Zone "0-1"

1. Purpose.

A zone to protect undeveloped, or developing areas, after annexation into the City, until a request for re-zoning is approved or until the City acts to re-zone part, or all, of the area.

2. Permitted Uses

In addition to allowing existing uses to continue that are not detrimental to public health, safety and general welfare, the following uses are permitted:

- a. Single Family Dwellings

- b. Public Facilities and Utilities
- c. Recreation Facilities
- d. Agricultural uses, excluding Feeding or Processing type uses.
- e. Accessory Uses to Permitted use.
- f. All other uses are prohibited.
- g. A conditional use authorization under the Van Buren Permitted and Conditional Use Legend and approved by the Planning Commission

3. Development Standards

The following minimum standards are established for uses in the 0-1 zone:

- a. Minimum Lot Area ----- 6 Acres.
- b. Minimum Lot Width ----- 300 Feet.
- c. Minimum Building Setback from Property line ----- 50 Feet
- d. Minimum Lot Coverage by Building ----- 10 %.
- e. Off-street Parking Adequate for Permitted Use. (Ord. No. 12-1975)

SECTION 10. Historic District Zone "H-1"

1. Justification.

Regulations regarding the Historic District Zone shall apply only to the area that has been identified as the Van Buren Historic District, with identical boundaries as the District. A copy of these boundaries shall be a part of the Amendment, and shall become a part of the Official Zoning Map for Van Buren, Arkansas. Any properties outside of the Historic District yet still within the Central Commercial District, C-1, shall continue to conform to the regulations of C-1, Central Commercial Business District zone.

2. Declaration of Policy

It is the stated policy of the City of Van Buren, Arkansas, that the rehabilitation, preservation, and restoration of the structures within the Van Buren Historic District is in the best interest of the general welfare of the public. Additionally, the use, re-use, or altered use of the structures within the Historic District is a beneficial and an integral part of the redevelopment of the City. Further, any use, re-use, or altered use of any structure within the Historic District must not violate any of the City codes or ordinances that apply and are appropriate for the proposed use of the structure.

3. Permitted Uses

- a. All uses currently allowable under the C-1 Central Commercial District;
- b. Single family and two-family residences subject to the restrictions 5.b. of this section.

These dwellings must conform to the set back requirements contained in the Historic District Zone regulations.

4. Minimum Square Footage for Residential Uses

- a. The minimum square footage for the single family proprietor residence shall be 650 square feet.
- b. The minimum square footage for the two-family residences shall be 600 square feet per unit.

5. Front Set Back

a. The front building set back line shall be the same as existing feet from the center line of the street. The type of facade, its structural integrity and other physical characteristics of the facade will be determined by the Van Buren Historic District Commission's regulations.

b. When a single family proprietor's residence is located on the street level floor of a retail or commercial establishment, there must be a minimum of 24 feet set back from the store front, so as to maintain the character or the structure as viewed from the street. This does not apply to other floors used as residences within the structure nor does it apply to existing residential structures within the District.

6. Rear Yard

Minimum: 20 feet property line or center line of alley where one exists.

7. Height

Maximum height of any structure in the Historic District Zone shall be 3 stories and not greater than 48 feet.

8. Loading and Unloading

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

9. Parking

a. For retail and commercial establishments, adequate parking exists in the municipal parking lots and with the on-street parking.

b. For residential uses, the parking requirements are one (1) off-street space per unit.

10. Restrictions on Construction

No rehabilitation, restoration, or improvement work shall be done to any structure in the Historic District Zone until the City Building Inspector indicates in writing to the City and the person or persons having the work done that the improvements are in conformance with City codes and appropriate regulations that apply to the proposed use.

SECTION 11. Planned Zoning District

1. The process is deemed necessary to ensure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically, the purposes of this article are to encourage:
 - A. Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the City's master plans.
 - B. Better utilization of sites characterized by special features of geographic location, topography, size, or shape.
 - C. Flexible administration of general performance standards and development guidelines.
 - D. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.

- E. Developments that utilize design standards greater than the minimum required by the Van Buren codes, ordinances, and standards.
2. Submission requirements. An application which specifies the information to be submitted in support of a planned zoning district is required. This shall include at a minimum:
- A. Pre-application conference with the Planning Director.
 - B. Application fee.
 - C. A project booklet, submitted graphically and in narrative form, addressing as many items as applicable. In no instance shall the design requirements and development standards be less than those found in the Van Buren codes, standards, and ordinances.
 - a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the planned zoning district.
 - b. Current ownership information (landowner/applicant and representative of applicable) and any proposed or pending property sales.
 - c. Comprehensive description of the scope, nature, and intent of the proposal.
 - d. General project concept:
 - i. Street and lot layout.
 - ii. Site plan showing proposed improvements.
 - iii. Buffer areas, screening, and landscaping.
 - iv. Stormwater detention areas and drainage.
 - v. Undisturbed natural areas.
 - vi. Existing and proposed utility connections and extensions.
 - vii. Development and architectural design standards.
 - viii. Building elevations.
 - ix. Proposed signage (type and size).
 - e. Proposed development phasing and timeframe.
 - f. Identify land use designations.
 - g. Identify area and bulk regulations.
 - h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk, and area regulations, etc.).
 - i. A chart comparing the proposed land uses and the zoning district where such land uses are permitted.
 - j. A chart articulating how the project exceeds the City's minimum requirements (e.g., increased landscaping, increased high quality materials on the facade, etc.).
 - k. Statement of how the development will relate to existing and surrounding properties in terms of land use, traffic, appearance, height, and signage.
 - l. A traffic study when required by the planning department or planning commission.
 - m. Statement of availability of water and sewer (state size of lines).

- o. A statement and map showing how the development complies with the Master Land Use Plan map and the Master Street Plan.
3. Application and review procedures.
- A. Determination of completeness. Applications shall be submitted to the planning director for a determination of completeness. An application is complete when all the items required by this Ordinance and on the application, form are prepared and/or answered, and any required supplemental or additional applications are submitted with the appropriate fee to the planning department.
 - B. Notice and public hearing. Following completion of staff review, the application shall be scheduled for a public hearing before the planning commission.
 - 1. Notice shall be provided, published, mailed, and posted pursuant to the requirements of Article IX of the Zoning Ordinance.
 - C. Factors to be considered.
 - 1. Rezoning application. Approval, approval as amended, or denial of the rezoning application shall be based upon consideration of the following factors:
 - a. Compatibility with the master land use plan and master street plan.
 - b. Compatibility of the proposed development with the character of the neighborhood.
 - c. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
 - d. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
 - e. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
 - f. That the application complies with all relevant Van Buren codes, ordinances, and standards.
 - 2. Project booklet. The following criteria shall be considered when reviewing the project booklet:
 - a. Is the site capable of accommodating the buildings, parking areas and drives with the appropriate open space provided?
 - b. Does the plan provide for safe and easy ingress, egress, and internal traffic circulation?
 - c. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety?
 - d. Are the architectural designs consistent with the city policies and regulations and compatible with surrounding land use features?
 - e. Does the plan represent an overall development pattern that is consistent with the master street plan, master land use plan, and other adopted planning policies?

- f. The required right-of-way dedication has been identified by the city engineering/planning department.
 - g. All easements and utilities shall meet the requirements of the approving departments and agencies.
 - h. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size.
 - i. Articulate how the plan exceeds the minimum City requirements (e.g., increased landscaping, increased high quality materials, etc.).
4. Planning commission action. Following the public hearing, the planning commission may recommend approval, approval as amended, or denial. The planning commission may also continue the application to a date certain.
- a. The planning commission shall certify recommendations of approval or approval as amended to the City Council for further procedure in conformity with A.C.A. title 14, ch. 56, subch. 4 (A.C.A. § 14-56-401 et seq.).
 - b. The planning commission may impose a time limit for the development as described in the project booklet.
5. Appeal. Appeals from the decisions of the planning commission shall be in accordance with Article IX of the Zoning Ordinance.
6. Re-application. A re-application must follow the requirements of Article IX of the Zoning Ordinance.
7. Amendments to the planned zoning district plans. Once a PZD has been approved, significant changes may be made only after approval of a revised PZD. This requires resubmittal of the application through the same procedural requirements of the original application. Changes that are not considered significant may be approved at the planning director's discretion. Disapproval of the changes may be appealed to the planning commission.
- a. Criteria. For the purposes of this section, significant changes shall be determined by the planning director. The term "significant changes" means any of the following, provided they are still within the approved standards of the applicable zoning district:
 - 1. Increases in density or intensity of residential uses by more than five percent.
 - 2. Increases in total floor area (entire plan) of all nonresidential buildings by more than five percent or 5,000 square feet, whichever is less.
 - 3. Increases of lot coverage by more than five percent.
 - 4. Changes to the architectural style that shall make the project inconsistent with previous approvals.
 - 5. Changes in ownership patterns or stages of construction that shall lead to a different development concept.
 - 6. Changes in ownership patterns or stages of construction that shall impose substantially greater volumes on streets and load capacities on public facilities.
 - 7. Decrease of more than five percent in areas devoted to open space or the substantial relocation of such areas.

8. Changes in traffic circulation patterns that will affect traffic outside of the project boundaries.
 9. Modification or removal of conditions and stipulations to the planned zoning district approval.
- b. Approval. Any changes that seek to vary the standards of the applicable district and cannot be approved through this subsection, must either be approved by the planning commission through a planned zoning district rezoning application or through a variance request to the board of zoning adjustment.
- c. Appeal. Appeal of the director's determination of whether changes are significant may be taken to the planning commission, whose decision shall be final. No further action shall be taken to process the application pending the planning commission's determination.

ARTICLE VI. Exceptions and Modifications

SECTION 1. Lot of Record Prior to Adoption of Ordinance.

Any lot of record in a residential district which has been under one continuous ownership since the adoption of this Ordinance, but which does not meet the yard width or area requirements of the Ordinance, may be used as a building site for a single family structure.

SECTION 2. Front Yards

The front yard requirements of this Ordinance for residential uses shall not apply to any lot where the adjoining developed lots with principal buildings are within one hundred (100) feet of the lot and are within the same block and zoning district, are fronting on the same side of the street and where the average depth of the front yards of such lots is either less than or more than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths of the adjacent developed lots with residential buildings.

SECTION 3. Group Housing Projects.

In the case of a group housing project of two or more buildings to be constructed on a plot of ground not subdivided or where the existing or contemplated street and lot layouts make it impractical to apply the requirements of this Ordinance to the individual building units in such housing projects, the applications of the terms of this Ordinance may be varied by the Board of Adjustment in a manner that will be in harmony with the character of the neighborhood.

The variance shall insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this Ordinance in the district in which the proposed project is located. However, in no case shall the Board of Adjustment authorize a use prohibited in the district in which the project is located or a smaller lot area per family than the minimum required in such

district or a greater height or larger coverage than the requirements of this Ordinance permit in such district.

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 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 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 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 may grant minor changes to the conditions imposed as long as those changes conform to the intent of the Planning Commission. 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 constructed 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 (500) 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.

SECTION 5. Violation Penalty.

Any person, firm or corporation violating or not complying with any provision of this Ordinance shall, be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five (\$25.00) dollars nor more than one thousand (\$1,000.00) dollars. Each day such violation exists shall constitute a separate offense.

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 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 of the City of Van Buren shall constitute the Board of Appeals as set forth in the Plumbing Code, the Building Code, 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 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 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 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) 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 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.

SECTION 7. Administrative Procedure. (Ord. 12A-1998)

In addition to the procedures set out above, when existing conditions are discovered to be in violation of the zoning regulations, an administrative review and approval may be requested. Existing conditions as used in this section shall include but not be limited to: existing lots, minimum lot width, lot area, yard requirements, height requirements, and use violations. Regarding requested variances for structures, only those structures existing prior to October 15, 2007 (Ord. No. 32-2007), shall be eligible for this administrative procedure. The review and approval shall be based on the following guidelines:

1. Requests shall be submitted to and reviewed by the Planning Department.
2. Requests shall be submitted in writing, along with a current survey of the property, to the Planning Department.
3. The Planning Department Supervisor and/or the Planning Commission Chairman may require additional information in order to determine ownership of the property, how long the condition has existed, if the lot is a lot of record or has recently been subdivided, as well as other pertinent information.
4. If a variance is administratively approved, the variance shall be approved for the minimum variance necessary to bring the property into compliance with the

regulations.

5. Legal posting, publishing, and notifications are not required for an administrative review and approval.
6. If a request is denied by the Planning Department, the applicant may request a variance by the Planning Commission under the procedure set out in Article VIII, Section 3 above.
7. A report of all variances approved by the Planning Department under this administrative procedure shall be furnished to the Planning Commission each month."

ARTICLE IX. Zoning Code Text Amendment and Rezoning of Property

1. Zoning Code Text Amendment

A proposed text amendment may be initiated by the city council, planning commission, or planning director. Any citizen of Van Buren may request in writing to the planning commission that a proposed text amendment be considered. The planning commission may initiate the proposed text amendment. The Planning Commission and the City Council shall act in accordance with the procedures set forth within this Article.

2. Property Rezoning and Text Amendment Procedures

A. Fee. Any private party or parties desiring a zoning change or text amendment to the code shall pay an application fee of \$275.00 plus all additional associated costs to the City Treasurer to cover the cost of public notices and related expenses.

B Petition. Any private party or parties desiring a zoning change, upon payment of the above fee, shall submit to the Planning Commission a petition giving the legal description of the property, involved and the zoning classification requested for the property. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with surrounding land uses.

C. Public Hearing. Upon receipt of a petition for a text amendment or a zoning change, the Planning Commission shall hold a public hearing, after:

(1) 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 text amendment or the zoning change proposed.

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

(3) Notifying by first-class mail anyone who owns property within three hundred (300) feet of the property being considered for zoning change. 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.

D. Action by Planning Commission. Following the public hearing the proposed text amendment or rezoning may be approved as presented or in modified form by a majority of the Planning Commission and recommended for adoption by the City Council, with the reasons for such recommendations stated in writing.

If the Planning Commission disapproves a proposed text amendment or rezoning, the reason for such disapproval shall be given in writing to the petitioner.

If the Planning Commission neither approves nor disapproves the text amendment or rezoning within forty-five (45) days after receipt of a petition, the action on such text amendment or rezoning by said Planning Commission shall be deemed favorable.

E. Action by the City Council. The City Council, by majority vote, may by ordinance adopt the recommended text amendment or rezoning submitted by the Planning Commission or may return the proposed text amendment or rezoning to the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendations of the Planning Commission, either as first submitted or as submitted after restudy, the City Council may, by a majority vote, amend this Ordinance by granting the original request for text amendment and/or rezoning in full or in modified form.

F. Appeal by Petition to City Council. Following disapproval of a proposed text amendment or rezoning by the Planning Commission the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days from the date of the Planning Commission action.

G. Re-petitions for Text Amendments and Rezoning of Property. No applications for text amendments or rezonings will be considered by the Planning Commission within twelve (12) months from the date of final disapproval of a proposed text amendment or a rezoning unless there is evidence submitted to the Planning Commission, which justifies reconsideration.

ARTICLE X. Legal Status Provisions

SECTION 1. Conflicting Ordinance Repealed.

All Ordinances or parts of Ordinances of the City of Van Buren in conflict herewith including but not limited to the following ordinances are hereby repealed.

SECTION 2. Severability.

If any section, clause, provision or part of this Ordinance shall be held invalid or

unconstitutional by any court of competent jurisdiction, such section, clause provision or part shall be deemed severable and separable, and the remainder of this Ordinance shall be and remain in full force and effect. It is hereby declared to be the intent of the City Council that this Ordinance would have been passed and adopted had such invalid or unconstitutional provisions, if any, not been included herein.

SECTION 3. Effective Date.

This Ordinance being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety, and welfare of the City of Van Buren, an emergency is declared to exist and this ordinance shall be in full: force from the date of its approval.