

**CITY OF VAN BUREN, ARKANSAS**  
**ORDINANCE NO. 22 -2024**

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

**AN ORDINANCE ADOPTING A ZONING ORDINANCE AMENDMENT ESTABLISHING REGULATIONS FOR TEMPORARY USE PERMITS, OUTDOOR MOBILE FOOD VENDING, MOBILE FOOD TRUCK COURTS, AND AMENDING THE PERMITTED AND CONDITIONAL USE LEGEND AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.**

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

WHEREAS, it has been determined by the City Council that there is a need to add provisions for temporary use permits, mobile food vending, mobile food courts and to amend the permitted and conditional use legend; and

WHEREAS, Arkansas Code Annotated 14-55-207 allows for the adoption of technical codes, such as the zoning code, by reference; and

WHEREAS, the Planning Commission reviewed these amendments, and public hearings were held on September 3, 2024, and October 1, 2024; and

WHEREAS, the proposed changes were recommended by a majority vote of the entire Planning Commission.

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

SECTION 1: The zoning code amendments as described above are and have been prior to adoption on file in the office of the City Clerk, the availability of such codes, for inspection by the public, has been duly published.

SECTION 2: The zoning code amendments as described above, which are attached as attachment "A" are hereby adopted.

SECTION 3: The Permitted and Conditional Use Legend is amended for the purpose of adding temporary use permits, mobile food vending and mobile food courts as set forth in attachment "B" hereto.


SECTION 4: The various provisions and parts of this Ordinance are hereby declared to be severable, and, if any section or part of a section, or any provision or part of a provision herein, is declared to be unconstitutional, inappropriate, or invalid by any

court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this Ordinance and to that extent the provisions hereto are declared to be severable.

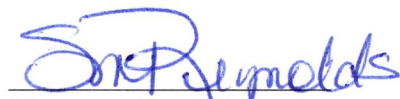
SECTION 5: All laws, ordinances, resolutions, or parts of same that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**IN WITNESS WHEREOF**, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of 6 for and 0 against, the foregoing Ordinance at its meeting held on the 28<sup>th</sup> day of October 2024.




  
\_\_\_\_\_  
Joseph P. Hurst  
Mayor

**ATTESTED:**

  
\_\_\_\_\_  
Shawna Reynolds  
Clerk/Treasurer

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Jacob Howell  
City Attorney



## Attachment "A"

14.04.22 Special temporary use permits (retail). A special temporary use permit (retail) may be issued for those wanting to sell merchandise, food, or beverage under the following criteria:

1. Short-term temporary use permits are subject to the following:
  - a. A special temporary use retail permit not to exceed 30 days may be issued to those who want to locate on private property for the purpose of selling merchandise, food, or beverage. The permit is renewable for one additional 30-day period upon review and approval by the planning commission.
  - b. The special temporary permit may be issued in any Commercial-1, Commercial-2, Industrial-1, and Industrial-2 zoning districts. The permitted uses must conform to the setback and signage requirements of the districts in which they are located.
  - c. Such permits are subject to a \$100 fee for each 30-day permit period.
  - d. Permit requests for the same facilities on the same site or within 300 feet of the same lot, site or parcel shall not be considered for at least 90 days from the expiration of the original permit.
  - e. Written permission, signed by the property owner or legal representative of record, stating that the mobile food vendor is permitted to operate on the subject property for a specified period.
  - f. Written verification that the applicant is registered with the state department of finance and administration for the payment of sales and use taxes.
  - g. A copy of the registration with the City Advertising & Promotion Commission regarding vendors' collection and remittance of the City's sales tax that is levied on the sale of prepared food. Failure to register and remit this tax will result in revocation of the vendor's license.

14.04.23 Outdoor mobile food vending. The purpose of this section is to promote and encourage open-air retail environments, while preserving and protecting the health, safety, and welfare of citizens through regulations that promote opportunities and management of such enterprises.

1. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. Edible goods means and includes, but is not limited to, prepackaged and prepared foods, excluding the sales of alcoholic beverages.
- b. Food service establishment means businesses that sell edible goods and have been inspected and approved by the county health department and the city.
- c. Mobile means the state of being active, but not necessarily continuous, movement.
- d. Mobile food court means a site that contains more than one mobile food vendor on a regular basis as the principal use of the land.

- e. Mobile food vendor means any person who owns or operates a mobile food vehicle for the purpose of mobile food vending.
- f. Mobile food vendor, private property, means any person who exhibits, displays, or sells any food or beverage from a mobile food vehicle at a designated location on private property.
- g. Mobile food vehicle means and includes, but shall not be limited to:
  - i. Mobile food truck: A motorized unit selling edible goods.
  - ii. Mobile food truck or concession trailer (self-contained): A vehicle selling edible goods. The unit shall be self-contained meaning all appurtenant facilities, including, but not limited to, water tanks and generators, which are affixed to or contained within the vending vehicle.
  - iii. Concession trailers: A vending unit which is pulled by a motorized unit and has no power to move on its own.
- h. Sell means the act of exchanging food for a profit or in return for a donation.
- i. Stationary location means the position of the mobile food vendor when not in motion and addressing the public for the purpose of sales.
- j. Temporary building means a structure not exceeding 160 square feet used to vend edible foods and that is not permanently affixed to the ground, or on blocks, etc.

## 2. Exemptions.

- a. Sidewalk sales that are located at the front entrance to the building structure, and not in parking areas not along public right of ways shall be exempt if the products sold are part of the principal use of the commercial property. Inventory sales shall satisfy all applicable building setbacks for the associated Zoning District.
- b. Vendors participating in the farmers' market as expressed in Ordinance 14-2008, as amended, shall be subject to the Farmers Market organization's approval process for vendors participating in the Market.
- c. Children's lemonade stands.
- d. Festivals and events conducted downtown on Main Street, shall be exempt from the requirements of this section, such as festivals and events under the authority of The Old Town Van Buren Merchants Association, Van Buren Original (VBO), and/or the Van Buren Chamber of Commerce. All festivals and events shall be approved by the City of Van Buren.
- e. Events at the Van Buren Public Schools (e.g., athletic events, lunch programs at the schools, special events sponsored or endorsed by the school).
- f. Mobile food vending units and food cooking operations and facilities located outdoors, and not contained within an existing, permanent building, are prohibited within the Van Buren Main Street Historic

District, unless associated with and part of the farmers market, or City approved festivals and events or an approved Conditional Use permit from the Planning Commission.

3. Outdoor mobile food vendors located on private property.

The purpose of this section is to facilitate and control the ability of mobile food vendors and mobile food courts to operate on private property while ensuring such uses are compatible with nearby properties, fosters an aesthetically appealing streetscape, and does not create a dangerous traffic condition.

1. Single vendor.

- a. Zoning districts. Outdoor mobile food vendors shall be permitted on private property in C-1, C-2, I-1, and I-2 zoning districts. Mobile food vendors located in the H-1 district require a conditional use permit from the Planning Commission. Outdoor mobile food vendors are prohibited in residential zoning districts.
- b. Number of vendors. Only one mobile food vendor shall be permitted per lot. However, if a lot has multiple street frontages, vendors may operate on the lot provided there is only one mobile food vendor proposed per street frontage. Otherwise, all proposed multiple mobile food vendors on a single lot, site or parcel shall be considered a mobile food court and shall comply with the requirements for mobile food courts below.
- c. Permission required. Outdoor mobile food vendors shall first obtain written permission from the property owner prior to applying.

4. Mobile food vendor permit application and permit requirements—Private property.

- a. Mobile food vendor annual permit. Mobile food vendors are allowed to operate on a temporary basis for one year in one location. After the one-year period has expired, the mobile food vendor shall move to another location or may request a one-year renewal. Mobile food vendor permits shall be issued to the owner of the mobile food vendor vehicle. All permits shall expire December 31.
- b. Mobile food vendor permit application requirements. Each application for a permit to conduct a mobile food vendor business on private property shall contain the following:
  - i. A permit and processing fee of \$200.00. For permits issued after June 30, the permit and processing fee shall be \$100.00.
  - ii. The name, address, contact information and signature of both the property owner and the mobile food vendor requesting to locate on private property.
  - iii. Written permission, signed by the property owner or legal representative of record, stating that the mobile food vendor is permitted to operate on the subject property for a specified period.
  - iv. Written verification that the applicant is registered with the state department of finance and administration for the payment of sales and use taxes.
  - v. A copy of the registration with the City Advertising & Promotion Commission regarding vendors' collection and remittance of the City's sales

tax that is levied on the sale of prepared food. Failure to register and remit this tax will result in revocation of the vendor's license.

- vi. A statement on how and where solid and liquid waste will be disposed of, if applicable. Mobile food vendors are not permitted to dispose of their solid or liquid waste in public trash receptacles or on other property without the consent of the property owner.
  - vii. A certificate from the Arkansas Department of Health approving the mobile food vendor for food and/or beverage sales.
  - c. Permit transfer. The permit issued to a mobile food vendor shall not be transferable to another owner or operator without a new application submitted and approved by the city.
  - d. Permit displayed. The mobile food vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.
  - e. Waste disposal. The mobile food vendor has the responsibility to dispose of all waste in accordance with all applicable laws. Mobile food vendors shall provide a receptacle for litter that shall be maintained and emptied regularly. Mobile food vendors are not permitted to dispose of their trash in public trash receptacles or on other property without the consent of the property owner.
  - f. Cleanliness. Mobile food vendors shall keep the sidewalks, roadways, and the property where the vendors are located and other locations adjacent to their vending sites clean and free of debris and refuse generated from the operation of their businesses.
  - g. Codes Compliance. The mobile food vendor must comply with all applicable requirements of the currently adopted Arkansas State Fire Code, Electrical Code, Plumbing Code and Health Codes.
  - h. Parking space requirements. Mobile food vendors shall maintain compliance with parking lot requirements for the existing businesses as required by the currently adopted parking requirements. The use of parking for a mobile food vendor may not reduce the number of spaces below the minimum required for other uses occurring on the property.
5. Mobile food vendor location transfer option—Private property.

Within the permit period, mobile food vendors on private property may transfer to another location that allows mobile food vending. Each transfer request shall be accompanied with a complete application with all documentation and a permit and processing fee of \$50.00.

6. Mobile food vendor on multiple locations—Private property.

Mobile food vendors are allowed to operate on a temporary basis on multiple locations after meeting the following conditions:

- a. The applicant must submit an application for each property and a processing fee of \$250.00.
- b. The property owner for each location must provide a written statement giving the mobile food vendor permission to operate on the property.

7. Renewal requirements—Private property.

Mobile vendors requesting a one-year renewal to stay in the same location shall comply with the following:

- a. The applicant shall submit a mobile food vendor application with all the information and documentation required for a new application as specified in paragraph 4 of this section.
- b. Each application for renewal shall be reviewed, and upon determining that the applicant is in full compliance with all the provisions of these regulations, shall issue a new permit.
- c. Planning commission approval shall be required for all mobile food vendors who have received any formal enforcement actions from the city.
- d. Payment of a \$200.00 permit fee.

8. Mobile food courts.

- a. Zoning districts. Mobile food courts shall require the Planning Commission approval of a conditional use permit in H-1, C-1, C-2, I-1, and I-2 zoning districts. Outdoor mobile food courts are prohibited in residential zoning districts.
- b. Review criteria. A property owner, or agent, proposing a mobile food court shall submit a conditional use permit application for the planning commission review. The planning commission will review the overall compatibility of the planned semi-permanent use with the surrounding property as well as such specific items as screening, parking, and landscaping to make sure that no harmful effects occur to nearby property. The property owner, or agent, proposing a mobile food court may also be required to provide any of the following improvements to the property:
  - i. Improvements necessary to provide permanent utility connections for each mobile vending unit location in the mobile food court. This may include permanent water, sanitary sewer, and electricity connections.
  - ii. Improvements necessary to ensure safe pedestrian and vehicular access to the site.
  - iii. A minimum of one and one-half spaces off-street parking spaces provided for each vending unit in the mobile food court. The number of parking spaces shall be rounded to the next higher whole number when the fraction is one-half or higher.
  - iv. Provide adequate restrooms facilities on-site or through the provision of a shared use agreement with a neighboring business for access to restroom facilities.
- c. Permit requirements. Individual mobile food vendors within a mobile food court shall comply with the permitting requirements in this section, “mobile food

vendor permit requirements—private property.” The mobile food court owner/operator shall pay an annual permit fee and maintain a current business license. The owner/operator shall also provide the following information:

- i. Name, address, and contact information of the individual mobile food vendors operating in the mobile food court.
  - ii. Name, address, and contact information of the mobile food court operator and/or owner.
9. Prohibited conduct. No person authorized to engage in the business of mobile food vending under these regulations shall do any of the following:
  - a. Locate in any residential zoning district.
  - b. Locate within a sight triangle described as the area delineated by a distance of 25 feet along the intersecting property lines, beginning at a property corner point and extending 25 feet in both directions away from the corner point of an intersection and then connecting the terminus points by a line to form the triangular area.
  - c. Unduly obstruct pedestrian or motor vehicle traffic flow, except a reasonable time to load and unload the mobile food vendor vehicle.
  - d. Obstruct traffic signals or regulatory signs.
  - e. Stop, stand, or park any mobile food vendor upon any street for the purpose of selling during the hours when parking, stopping, and standing have been prohibited by signs or curb markings.
  - f. Leave any mobile food vehicle in a public street right-of-way overnight.
  - g. Sounds projecting from the mobile food vendor that violate any city or state noise regulations.
  - h. Conducting the business in such a way that would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create traffic congestion or delay, constitute a hazard to traffic, life, or property, or obstruct adequate access to emergency and sanitation vehicles.
  - i. Run hoses, cords, or other apparatus across a pedestrian pathway or sidewalk.
  - j. Utilize any portion of a public sidewalk or public right-of-way where mobile food vending is not allowed or authorized.
  - k. Remove the wheels from a mobile food vehicle. The mobile food vehicle shall not otherwise be rendered immobile such as being placed on blocks, railroad, ties, etc.
  - l. Fail to comply with any condition of the permit or any applicable city ordinance or State law.
10. Revocation of permit. A license issued may be revoked, in writing, for any of the following reasons:
  - a. Any fraud, misrepresentation or false statement contained in the application for license.
  - b. Any fraud, misrepresentation or false statement made in connection with selling of products.



- c. Any failure to comply with or violation of any provision of this section, any applicable city ordinance or State law.
  - d. Conducting the business under this section in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
11. Appeal. Appeals to the city staff's decision relating to this section shall be made to the planning commission concerning the issuance of a license or revocation of a license pertaining to this section.
12. Appeals of administrative determinations. The planning commission shall hear appeals from the city staff's decisions in respect to the enforcement and application of this section and may affirm or reserve in whole or in part the decision of the city staff.
- a. Process. Any person, officer of the city, or other governmental agency not in agreement with a decision may appeal the decision within ten days of the decision by filing with the planning department a notice of appeal along with payment of a \$75 fee. The filing shall specify the reason for the appeal. The planning department shall then transmit to the planning commission all the information on the details of the decisions and reasons for the appeal. Notice shall be published one time in a local newspaper 15 days before the public hearing.
  - b. Stay. An appeal puts all processing of applications on hold until the appeal process is completed.
  - c. Action. In exercising its powers, the planning commission, in conformity with the provisions of law, may reserve or affirm, wholly or in part, or may modify the order, requirement, decision, or determination.
  - d. Appeals. Appeals from the decision of the planning commission shall be made to the city council.
13. Forfeiture of fee. If the city revokes a mobile vending permit, the fee already paid for the permit shall be forfeited.

Van Buren  
Permitted and Conditional Use Legend

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

X = Permitted Use  C = Conditional Use (must be approved by planning commission)	Residential - 1	Residential - 2	Residential - 3	Residential - 4	Residential - 5	Commercial - 1	Commercial - 2	Industrial - 1	Industrial - 2	Historic District	Open - 0-1
The manufacture of heavy, raw products and those operations that are generally objectionable to residential business uses; including animal and poultry slaughter, foundries, saw mills and junk yards								C	X		
Public facilities and utilities											X
Home based business	C	C	C	C							C
On-site real estate sales office	C	C	C	C							
Indoor Firing Range							C	C	C		
Single and two-family residences subject to restrictions										X	
Recreational Vehicle (RV) Parks				C	C		C				
Retail Pharmacy						X	X	X	X	X	
Homeless Shelter/Transitional dwelling							C	C	C		
Mini-Storage Facilities							C	X	X		
Commercial Communication Towers	C	C	C	C	C	C	X	X	X		
Hogs, Goats, Sheep, Cattle and Horses	C	C	C	C	C		C	C	C		C
Recycling center							C	C	C		
Salvage business							C	C	C		
Dog Kennel						C	X	X	X	C	
Mobile Food Truck						X	X	X	X	C	
Mobile Food Truck Court						C	C	C	C	C	
Special Temporary Use Permit						X	X	X	X		

# City of Van Buren, Arkansas Municipal Complex

1003 Broadway • Van Buren, Arkansas 72956

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## VAN BUREN CITY COUNCIL MEMORANDUM

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**TO:** MAYOR JOE HURST AND CITY COUNCIL  
**FROM:** WALLY BAILEY, PLANNING DIRECTOR  
**SUBJECT:** TEMPORARY SALES AND MOBILE FOOD TRUCKS  
**DATE:** OCTOBER 16, 2024

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After the Planning Department received several questions about issues related to temporary sales and mobile food vendors, food trucks and mobile food truck courts, we began a discussion with the Planning Commission about revising the existing regulations. Some significant issues include the zoning districts where food trucks are allowed, setback requirements, the 120-day time restriction, and the fact that food truck courts were only allowed in Downtown Van Buren. I had also noticed there were not enough provisions for permitting requirements and general conduct provisions for these uses.

We began a discussion with the Planning Commission at their August 6, 2024, meeting. We subsequently held public meetings on September 3<sup>rd</sup> and October 1<sup>st</sup> Planning Commission meetings.

The Building, Fire and Police Departments, Van Buren Municipal Utilities and the Van Buren A & P were contacted for their review and input concerning the proposed ordinance.

The proposed amendments are proposed to be included in the zoning ordinance. The amendments include provisions for temporary use permits (retail 30-day) and for outdoor mobile food vending. The outdoor mobile food vending section includes provisions for permitting individual mobile food trucks and mobile food truck courts. Highlights of the proposed amendments for mobile food trucks include requirements include:

- A section with a list of exemptions (e.g., downtown festivals and events, farmer's market)
- Verification the is registered with the State of Arkansas for the payment of sales and use taxes and registration with the A&P for sales tax on the sale of prepared food
- Codes compliance (e.g., fire, electrical, plumbing, and health codes)
- Waste disposal, cleanliness, parking requirements
- for the proper operation and conduct of the mobile food vendors.
- Permitting and standards for Mobile food truck courts require a Planning Commission approved conditional use approval
- Expanded zoning districts where the food trucks are approved.
- Sections concerning revocation and appeals.

In addition to the proposed amendments, I have included amendments to the Land Use Legend to reflect the permitted and conditional locations for temporary sales, individual food trucks and food truck courts.

The proposed ordinance will repeal the existing ordinance and adopt the proposed amendments to the zoning ordinance and adopt the land use legend amendments to the zoning ordinance. The amendments have the appropriate section and paragraph numbering for placement in the Van Buren Code of Ordinances.

The Planning Commission unanimously recommended the approval of these zoning code amendments for the City Council's approval.

Please let me know if you have any questions or require any additional information.