

## **Planning & Zoning Meeting**

**Wednesday, September 10, 2025**

**6PM**

Meeting was called to order by Chairman Rick Anderson at 6PM. Everyone stood for the Pledge of Allegiance.

In attendance: Rick Anderson, Scott Scholes, John Stauffer, Tim Koenig, Merle Fawcett, Keith Hilburn.

New Business:

Rick presented a few minor changes to a few of the codes in the book. Rick said that his wife agreed to retype the code book once the changes are approved. The first change is on page 2 of the book. At the top is the definitions. We will go with the standard Webster's Dictionary definition. If anyone wants to argue in the future a term like resorts or vacation we will use Webster's definition. The second change is on page 8. He wants to add two definitions. This will go between 64 and 65. Definition is for transient. A period of not more than 30 consecutive days. The second is transient use of a resort property. A term of occupancy tenancy will be less than 30 consecutive days. Scott asked why we were using the term transient. Scott believes that the term transient has a lot of different meanings. He would rather use the term of tourist. Merle said that a transient might be here not as a tourist, but as a short-term worker. Scott said that the owner of Bel Arco was using this term. We can add the term tourist as well. Rick said that we will add tourist to transient later on.

According to the ordinance that will be passed at the next Council meeting, short-term rental means a dwelling unit that is offered to a guest by an owner/operator for a fee for fewer than 31 consecutive nights as a form of tourist or transient accommodations. If someone wants to come in for a few months a resort owner can come to us for a conditional use permit. John liked the definition. Gives the resort owners good leeway going forward.

Next change was on page 23. Rick stated that letter I is about off street parking. Parking areas should be paved and striped. But we do have a few gravel parking places. We should give the business the option to use gravel or pave it. But certain businesses like the old Harp's property should be paved. If someone has a problem they come to us for a conditional use permit. Scott if we need to provide a square footage addendum? We are using 180 sq. feet now. What about a 10,000 square foot property? Keith said we need to

provide the option to for a single business to use gravel. A place like Harp's Grocery store needs to be paved otherwise customers will complain. Tim mentioned that we need to Rick said we can not just draw the line on square footage. There is no set amount of square feet that we can set. Keith said that this was passed in 2009. Rick said these businesses need to maintain their gravel lot, especially during heavy rains. We cannot control a large parking area, but that will be a rarity. Scott asked about providing handicapped parking on a gravel lot. Rick mentioned that a business like Beacon Point Restaurant has a gravel lot and they have a sign up indicating handicapped parking. That is the law.

Rick moved on to number four on page 25. We discussed this point by in the spring about adding gas stations/convenience stores and also restaurants slash food trucks. We have already approved adding in gas stations/convenience stores. Under drive-in restaurants we will add in food trucks.

Rick moved on to page 30, Section B. Number 1 is tourist accommodations. We need to add the word transients to go with tourists. It needs to say all resort rooms/accommodations will be fully furnished including, but not limited to bed/bath/linens. This is under C4 zones. This will eliminate Bel Arco from this. They do not provide these items. Scott mentioned that at the public hearing most people mentioned that the problem with living near Bel Arco was the sewage lines leaking sewage into their yards. Rick said that they improved the lift station there and there has not been a problem since then. Scott asked if there was a formula to determine how many rooms will affect these lines? Danny said he can work on that. Danny stated that the problem in the past has been there has not been any enforcement of the rules.

Danny then asked about businesses and residences using storage containers. Do we have any regulations regarding this? Rick stated that no we do not. Scott said that currently we have a regulation about the height of these containers. Keith said that if they are painted and look nice then there shouldn't be a problem. But we need to add that element to the regulations. Rick mentioned that if you look at page 36 of the code book. Section C talks about storage structures. They shall not exceed 10 feet. Most are in the 8 foot range. Rick stated that the State of Arkansas has rules about what they look like. Rick asked for the definition of presentable. Danny mentioned that if someone called him to complain about a neighbor having a storage unit on their property he would tell them to keep their opinions to themselves. Keith stated that there are many properties around town that are junky. John also said that there are lots of these places with bad lawns. Lakeview has really cleaned up their properties. Why can't we do that? Keith mentioned the blocks near Dam Site Park. There are a number of trashy yards in that area. Scott talked about a personal storage unit on a residential property, right? They cannot be classified as a living space.

Rick said that no, they are not allowed to live in these storage units. Rick stated that we need research this topic more before we make changes to the ordinances.

John stated that he has a neighbor that has some property in town and that he would like to build some tiny homes there. Is that alright? Rick said that we have to be careful that it isn't a C2 property. We need to give them a variance. Scott asked if it is one tiny home or many? John said that it would many for first time home-buyers or the elderly on a fixed income. This is an example of a meeting a need of the community. What is the zone where his property is? Keith stated it would be costly to build a home out of a storage container. Merle said that there a tiny home communities that are very nice. The owner(s) would have to come to us and state their intentions.

Rick said there is one more change. An ordinance was changed back in 2014. A couple of sentences were already changed and passed. To let everyone know...it was in the C2 section. Anytime we change a code structure or ordinance we need a public hearing to get the public's feedback. If next month nobody has any objections to our changes we will start on page 24. C2 commercial highway district will be located along the primary thoroughfare. It should read, "The district is intended for those businesses which provide convenient shopping and services for residents, tourists, and nearby towns. Other businesses and commercial uses that contribute to the economic well-being of the city may be allowed by conditional use after a review by the Planning Commission. The rest is the same.

There is another change under D on page 26. They want to add a line 11. Other proposed businesses and commercial uses may be reviewed by the Commission as conditional uses if deemed not in violation of the spirit of the C2 Zone. This was done in 2014. Nothing has been updated since 2014.

Rick said that he missed one. On C1 under Item D, page 22. Conditional Uses. Item 2 will read, other proposed businesses and commercial uses may be reviewed by the Planning Commission as conditional uses if deemed not in violation of the spirit of C1. We will add that in there.

Rick said another one will talk about separability. Article 9, dash 6 on page 47. There is a typo in the code book. It should be with a 'p'. Any provisions, cause, sentence, paragraph, or section of this ordinance or the application thereof shall be held invalid by a court of competent jurisdiction. Such invalidity shall not affect the other provisions of this ordinance which can be given affect without the invalid provisions or application and to this end provision of the ordinance as to declare separable. Rick said he is guessing that this is

where we will put this. He is not sure what separable means. We do not need to worry about the public since this has been approved.

Rick said the October 8<sup>th</sup> meeting will be a public meeting. Rick said that he pulled these out of the Hot Springs code book. So far these have not been looked at by the city attorney. But he is confident that they are okay since they have come from another city. When the public gives their okay to these changes then the city attorney can look them over and give his stamp of approval.

Rick then asked Danny if he had anything to add. Danny mentioned the woman who is opening up a new coffee shop across from Hunter dental office. She has spent a lot of time and money to fix that place up. It has been tough on her. The plumber did her no favors. She wants to be open by the time of the Dam Jam. Rick said that we have a problem in our city. We need to set up another building permit process. On this form Danny and Rick both sign off on the permit. The fire marshall also should sign off on the permit, but this has not been happening. Keith said he picks and chooses which businesses he inspects. We need to get this in order. State law states that he needs to go to the businesses and not the other way around. We need to cover our end of things. We have to make sure he signs and inspects these properties. Erica does not know about all of these different businesses. The resorts need to be checked yearly. Fire extinguishers and fire alarms are inspected yearly. Rick will change the forms to have one for residential and one for businesses. Keith said that state wanted to mess with this new owner. Danny said that he had to go over the plumber's head to get an issue fixed. We need to fix these issues. Rick said the plumber did not do his paperwork correctly. Danny said he is in cahoots with the Hospital. We are the largest city in the County and the deadest. Why is that? Yellville has more going on than we do.

Keith brought up an issue with the barbed wire fencing on CS Woods boulevard. That is illegal to do in a residential area. Why did he put up barbed wire? There are apartments right next door. It was put up by Dr. Davenport. Danny will stop in and talk to him. Someone could be hurt climbing on this fence. A key element is the definition of residential, since apartments are deemed commercial. There are no homes on that side. It is apartments and the assisted living facility. If Dr. Davenport wants to push this issue we will deal with it. Tim mentioned that he remembers when he cut down a bunch of trees and put up the barbed wire fencing. Keith said if kids climb this fence they could be hurt.

Rick stated that we will deal with this in the future and decide if we need to change our ordinance about using barbed wire in town. Merle asked about people living in RV's on their property? It is not allowed, but we know of a few people doing it. There is one behind the Post Office. Rick read on page 38 about fencing. Fences may not exceed six feet high.

No barbed wire should be allowed where the property line abuts lots or partials lands used for residential purposes. We should be okay with apartments being residential. Danny will talk to him about this issue. Scott mentioned that an easy way to deal with issue is to ban barbed wire in the city. Merle said that would be a simple fix. We don't want to encourage the use of barbed wire. Rick said that this is a classic example of someone looking at this in the past and added it to the ordinance. We have it covered for now.

John had a question about trailer homes being a fire hazard. What can we do about this? Danny said he wished he had a better relationship with the fire chief. The city just doesn't have the money to condemning these properties. John said we don't need to condemn them, but clean them up. We need to start enforcing these statutes. Start fining these property owners. Danny has red tags to pass out once this ordinance passes. John said that one reason he joined this committee is because when he first arrived here everything looked good, but it has slowly declined and is not looking good. New people will come here and not stay because of the condition of these properties. Lakeview is a good example of a town that has cleaned up their properties. Fines are the only way to get people's attention.

Rick stated that he will not send another letter regarding the C4 properties. That is now a Chamber issue. The Board of Adjustment...we are supposed to be the Board of Adjustment. Do we want to create a new section or continue with the same people? Keith made a motion to keep it the same. Keep it simple. It was seconded by John. All approved...that the we keep the Committee the same.

There were no public comments.

Keith made a motion to adjourn the meeting. Seconded by Scott. All approved.

Meeting closed at 7:28PM

Respectfully Submitted,

Tim Koenig

Secretary