

ORDINANCE NO. 64-15

**AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on September 8, 2015, that said changes be made; and,

WHEREAS, three (3) copies of October 2015 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH THAT:

SECTION 1: The October 2015 Amendments to the Unified Development Ordinance is hereby adopted.

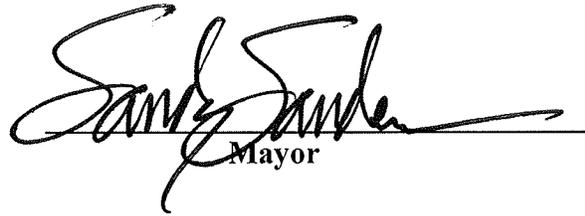
SECTION 2: The codifier shall amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack

of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

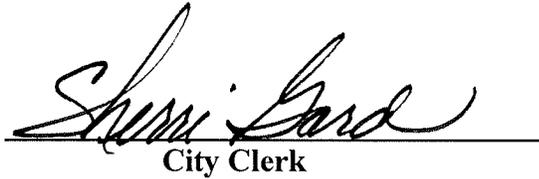
PASSED AND APPROVED THIS 6th DAY OF October, 2015.

APPROVED:



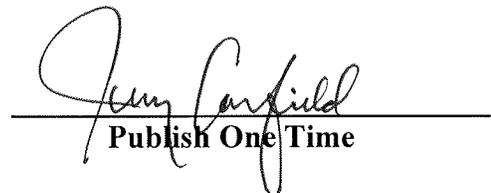
Mayor

ATTEST:



City Clerk

Approved as to form:



Publish One Time

OCTOBER 2015

**AMENDMENTS TO THE UNIFIED DEVELOPMENT
ORDINANCE**

Amendment 1.

Planned Zoning Districts 27-341

27-341-4 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 pursuant to section 27-341-4-5(a) [these regulations] may be approved at the director's discretion. Disapproval of the changes may be appealed to the planning commission.

Reason: *To clarify the correction section reference of the UDO.*

Amendment 2.

Conditional Use Permit

27-332-4 Submission Requirements

- A. A preliminary development plan ~~(Section 27-331)~~ **must be submitted and include the information as specified in Section 27-331-4.** The conditional use permit satisfies the requirement for a development plan review.

Reason: *To clarify that the requirement is to submit plans with the information described in section 27-331-4 and that it is not necessary to comply with all the requirements of 27-331.*

Amendment 3.

Subdivision Major

27-333-1 Applicability

- E. Any plat that involves an extension of streets or utilities. A plat with minor utility extensions may be processed as a minor plat.

Subdivision Minor

27-334-1 Applicability

- B. **Major Subdivision.** The following require major subdivision plat review even if they fall within the thresholds established in subsection A, above:
1. Any proposed development that will generate at least 51 trips per day, as determined the Trip Generation Manual (see references); or
 2. Any plat that involves an extension of streets or ~~utilities~~ significant utility extensions.

Reason: *To clarify that minor utility extensions will not require a proposed subdivision to be processed as a major plat. A major plat is going to require a preliminary plat to be followed by a final plat. The current language requires this two – three month process for minor utility extensions. The staff does not see the value to this requirement and suggest this requirement to be removed for a minor utility extension.*

Amendment 4.

Lot Dimension Standards

Height

Section 27-404(D)(2)

A structure may not be more than the maximum allowable feet high at the minimum **side** setback lines, but for each additional **al** foot of horizontal setback in excess of the minimum **from all setbacks**, the height may be increased by one-foot. The height of a gabled end of a building shall be measured at the midpoint of the gable instead of the peak of the gable.

Reason: *Historically the height exception is permitted when a building or structure is moved further in on a site. The current language only requires the structure to be moved inward from the side setback lines. An excessively tall structure could still be placed at the minimum rear yard (10 feet) setback line.*

Amendment 5.

Subdivision Design and Improvement Standards

27-503-11 Landscaping

A. Applicability

Residential subdivisions shall include ~~perimeter frontage~~ landscaping on the perimeter streets and subdivision entry landscaping as provided below. Replats of existing residential lots and residential subdivisions with no more than five (5) lots are exempt from perimeter frontage landscaping and subdivision entry landscaping. Lots platted with frontage only on the perimeter street are exempt from the perimeter landscaping requirement. Landscaping for multifamily developments must comply with the requirements of section 27-602-3 and can be deferred until the building permit is issued for the multifamily development. This requirement does not include residential for multifamily development.

Reason: *To clarify the intent of this section is to require landscaping on the perimeter streets of a residential subdivision and that individual residential (single family or duplex) lots that have no frontage except for the perimeter streets are exempt from this requirement.*