

3.
as amended

ORDINANCE NO. 72-16

**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 October 11, 2016, that said changes be made; and,

WHEREAS, three (3) copies of November 2016 Amendments to the Unified Development Ordinance (Signs-Electronic Message Center/Digital) 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:

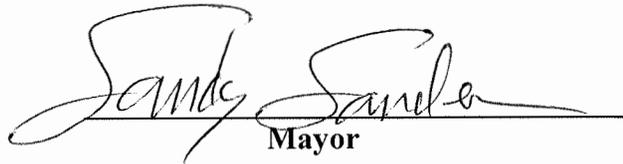
SECTION 1: The November 2016 Amendments to the Unified Development Ordinance (Signs-Electronic Message Center/Digital) is hereby adopted.

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

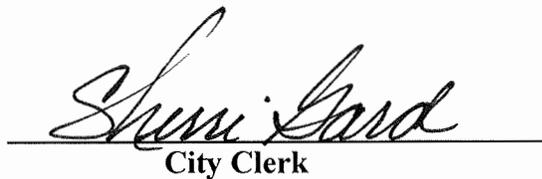
SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance are necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare 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 1st DAY OF November, 2016.

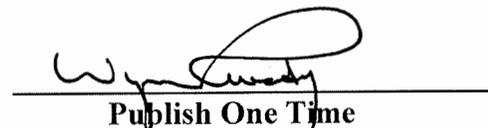
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


Publish One Time

NOVEMBER 2016
AMENDMENTS TO THE UNIFIED DEVELOPMENT
ORDINANCE (SIGN –ELECTRONIC MESSAGE
CENTER/DIGITAL)

shall mean a facility for repair or reconditioning of footgear, handbags and other leather articles such as shoes, boots, sandals, wallets, purses and other similar products.

Sign

shall mean a structure or device designed or intended to convey information to the public in written, pictorial or three dimensional form. Signs erected by the state highway department, county road department or the city street department are not subject to the regulations.

Sign area

shall mean the entire area within a single continuous perimeter enclosing the outer dimensions of the actual message or copy area. It does not include customary extensions or embellishments, nor any structural elements outside the limits of such display surface and not forming an integral part of the display. For double-face or V-type sign structures, only one (1) display face shall be counted in computing the actual sign area. The sign area permitted on any piece of property refers to the permitted combined total area of all signs on that property.

Sign (back-to-back)

shall mean a structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions and spaced no more than three (3) feet apart.

Sign (bench)

shall mean a sign located on any part of and contained within the perimeter of the bench or seat.

Sign (bus shelter)

shall mean a sign located on any part of and contained within the perimeter walls of the shelter.

Sign (business)

shall mean a sign which directs the attention of the general public to a business, product, service or activity which is conducted upon the premises where such sign is located.

Sign (electronic message center/digital)

shall mean a sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

Sign (flashing)

shall mean a sign, the illumination of which is not constant in intensity when in use; except that illuminated signs which indicate the time, date, temperature and other public service information shall not be considered to be flashing signs.

Sign (v-type)

shall mean a structure of two (2) signs in the shape of the letter "V" when viewed from above and with their faces oriented in opposite directions.

Single family

shall mean a building designed for the occupancy by one family

Single family detached

- (e) Should the portable sign have electrical power, it shall meet the requirements of the National Electrical Code and chapter 6, article III of this Code prior to the issuance of a sign permit.
- (f) For the purpose of portable signs, the sign area measurement shall be a rectangular perimeter around the entire sign, the length of which is the maximum possible length of the sign, the width of which is the maximum possible width of the sign above the legs or other portable supports.

(Ord. No. 109-88, § 2, 12-20-88)

27-704-8 Bench and Bus Shelter Signs Exempt

Bench signs and bus shelter signs owned, operated or contracted by the city transit department and on or adjacent to a public right-of-way are not subject to the regulations.

(Ord. No. 93-06, § 2, 10-3-06)

27-704-9 Electronic Message Center/Digital Signs

- (a) Electronic message center/digital signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at the time of permit issuance certifying the digital sign has been set to be incapable of exceeding 0.3 foot candles above ambient light.
- (b) Each display on a digital face must have a light sensing device that will adjust to the brightness as ambient light conditions change.
- (c) Existing Electronic Message Center Signs. A nonconforming sign shall be removed or modified to comply with these regulations if the following occurs:
 - 1. More than 50 percent of the sign is destroyed and the destruction is other than the facial copy replacement. A nonconforming sign shall be deemed to be more than 50 percent destroyed if the estimated cost of reconstruction or repair exceeds 50 percent of the replacement as determined by the Director.
 - 2. The sign is remodeled or altered in a manner not in compliance with these regulations.
 - 3. Replacement of the sign or sign electronics.
 - 4. A structural change is made to the sign or sign structure and/or support elements.

5. The sign is moved or relocated, except where the sign is relocated as a result of a street or utility improvement project.
6. The sign becomes a danger to the public or is unsafe.
7. The sign constitutes a traffic hazard not created by the relocation or widening of streets.

27-705 Pistol Range (indoor)

In addition to the conditional use requirements as listed within 27-332. All conditional uses issued for an indoor pistol range shall be subject to the following conditions:

- a. The board of directors shall automatically review the operation of the facility six (6) months after the facility opens for business. The purpose of the review shall be to ensure that [no] additional sound-proofing measures are necessary. If problems are found to exist (exceeding eighty (80) decibels) from the outside of the exterior wall of the firing range, then the board may impose additional noise abatement measures on the applicant which are necessary to reduce the decibel levels below eighty (80) decibels.
- b. All potential owners and operators of an indoor pistol range shall be required to obtain a letter from the chief of police stating that the individuals have no known criminal history. Such letter shall be submitted to the city clerk prior to the planning commission's review of a conditional use permit.
- c. Ammunition fired within the facility should not exceed in power and velocity what is commonly known as .45 caliber.
- d. The ventilation system shall be designed so that the total volume of air in the range is changed from twenty (20) to forty (40) times per hour at a minimum. A steady positive flow of air toward the back stop at the velocity of fifty (50) feet per minute shall be the minimum acceptable level.

27-706 Day Care Homes

Day care home, six (6) to twelve (12) children, shall mean a child care service, licensed by the State, in a single family home that is the full time residence of the caregiver, which cares for a limited number of children who are apart from their own family during a part of the day.

These regulations shall apply to all day care homes:

1. Day Care Homes are limited to the zoning districts specified in this chapter.