

3. Construction is completed within one (1) year from the date of the loss; the determination of "cost of repair" shall be based on the anticipated cost of repair performed by a contractor in the ordinary course of the construction industry, and the determination of the "value of the structure after repair" shall not include real property value. Both determinations shall be made by the Director;
 4. It shall be adapted for the same use as the previous structure or a permitted use in the zoning district in which it is located;
 5. The structure as built shall not exceed the bulk and area characteristics of the previous structure or the bulk and area regulations set forth for the zoning district in which it is located;
 6. Provided, a maximum time extension not to exceed sixty (60) calendar days may be granted upon written application of the owner to the director of planning, provided substantial progress has been made to repair the structure.
- C.** A nonconforming structure may be remodeled and/or enlarged within the limits of the bulk and area regulations of the zoning district in which it is located, provided such remodeling and/or enlarging does not increase any existing zoning violations.
- D.** A nonconforming structure shall be maintained in a structurally safe condition, and any nonconforming structure not maintained in a structurally safe condition shall be deemed to be dilapidated. A dilapidated nonconforming structure may no longer be used as such and shall be subject to the enforcement provisions of other city ordinances and codes.

27-200 General Definitions

27-201 General Definitions

Words in the text or tables of this chapter shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail. In any case, the director of planning, or designated agent, shall have the right to interpret the definition of the word.

Abandonment

shall mean the cessation of a nonconforming use of structure or the cessation of a nonconforming use of land. The ceasing shall be deemed to be established by the failure to obtain or renew an occupation registration for a period of at least one (1) calendar year or the termination of city utility services for at least one (1) calendar year or the ceasing of a nonconforming use due to a felony conviction of the owner or the authorized representative of the owner and which felony conviction is related to the subject use. Ceasing may also be established by a written statement of intention to abandon the use by the owner or the owner's representative.

Abstract services

see professional services

Accessory building, structure, or use

shall mean a building, structure, or use which:

- (1) Is incidental and subordinate to and serves a principal building or principal use;
- (2) Is subordinate in area, extent, or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and
- (4) Is located on the same site as the principal building or principal use.

Accessory residential dwelling unit

shall mean an independent dwelling unit which is subordinate and incidental to an attached principal commercial or industrial use located on the same lot.

Accessory residential use

an office-like use where the occupant engages in no activities that would require contact with customers or the general public except by phone, mail or electronically; where no persons are employed by the applicant at the resident's address; and where an office is needed solely for the purposes of sending and receiving mail and telephone calls, using a personal computer, and for maintaining records.

Acid manufacturing

see manufacturing heavy.

Accounting, tax, bookkeeping, payroll

see professional services

Addition,

as applied to a building or structure, shall mean any construction which increases the area or the height of any portion of the building or structure.

Administrative plat approval

shall mean the approval and recording of a plat, at the direction of the director, following a review by City staff and consensus determination that the plat meets the provisions outlined in these regulations. Administrative approval requires the signature of the director.

Advertising and media agencies

shall mean a service business dedicated to creating, planning and handling advertising (and sometimes other forms of promotion) for its clients.

Affordable Housing

Units with sales prices targeted to low-and moderate-income households, as defined by the U.S. Department of Housing and Urban Development (HUD). Such sales prices shall be those endorsed annually by the City of Fort Smith Planning and Community Development office based on the then- current HUD area-wide income limits and identified local need.

Agricultural equipment and supplies (sales & service)

shall mean a use primarily engaged in the sale or rental of farm tools and implements. This definition includes the sale of large implements such as tractors and combines and accessory uses such as farm machinery repair and feed sales.

Agricultural products processing

shall mean a facility which involves the operation(s) of processing, preparing or packaging agricultural products which are not grown on the site.

Airport

shall mean a tract of leveled land where aircraft can take off and land, usually equipped with hard-surfaces landing strips, a control tower, hangers, aircraft maintenance and refueling facilities, and accommodations for passengers and cargo.

Alley

shall mean a permanent public right-of-way which provides a secondary means of access to the rear or side of properties which otherwise have primary access to an abutting street.

Alterations,

as applied to a building or structure, shall mean any change or modification in construction occupancy and use which does not include an addition to the building or structure.

Amateur radio tower

see tower.

Amusement center (indoor)

shall mean an amusement enterprise offering entertainment to the general public for a fee or charge wherein all activity takes place indoors. Such facilities include video game arcades and pool halls.

Amusement center (outdoor)

shall mean a facility offering entertainment, primarily to the general public for a fee where any portion of the activity takes place in the open. Such facilities include but not limited to golf driving ranges, archery ranges, miniature golf courses and the like.

Amusement /theme park

an outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

Animal and pet services (indoor)

shall mean establishments that provide animal and pet care services (except veterinary), such as boarding, grooming, sitting, and training.

Animal and pet services (outdoor)

shall mean establishments that provide animal and pet care services (except veterinary), such as outside runs, boarding or training.

Animal food processing

the preparing, processing, or canning and packaging of foods prepared to be consumed by pets and animals.

Animal shelter

shall mean a public or private facility, including outside runs for enclosure of animals, for stray or unlicensed pets.

Animal slaughtering and processing

shall mean a facility for the slaughtering and/or processing of animals into human food and the refining of their byproducts.

Antique shop

shall mean an establishment offering for sale within a building articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.

Appliance repair- large

shall mean a facility for the repair, service and resale of televisions, refrigerators, freezers, stoves and similar items. (no outside storage)

Appliance repair- small

shall mean a shop for the repair of household and home equipment, such as electrical appliances, lawnmowers, tools and similar items (no outside storage).

Architectural, engineering

see professional services.

Art Dealer

shall mean an establishment primarily engaged in retailing original and limited edition art works. Included are establishments primarily engaged in displaying works of art for retail sale in art galleries.

Art gallery

shall mean a building used for the exhibiting or selling of works of art such as paintings and sculptures.

Art studio

shall mean work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft and including the accessory sale of art produced on the premises.

Articulation

shall mean architectural shapes or surfaces having joints or segments which subdivide the area or elements and which add scale and rhythm to an otherwise plain surface.

Arts and craft shop

shall mean any business establishment that sells articles of artistic quality or effect or handmade workmanship.

Asphalt or concrete batching plant (permanent)

shall mean a facility for the storage and mixing of materials for concrete or for asphaltic surfacing, in which facilities are established on a permanent basis as a service industry.

Assisted living

these services are provided by board-and-care establishments, such as adult foster care homes and adult care group homes. These facilities may be low-income and federally subsidized housing or non-subsidized housing facilities.

ATV sales and service

see auto dealer.

Authorized agent

shall mean an architect, attorney, builder, developer or other person or persons legally empowered to act on behalf of other persons.

Auto (rental and leasing)

shall mean an area or structure for storing or displaying cars, trucks, trailers, RVs and recreational goods, which are offered for rent for a fee.

Auto auction

shall mean a facility for the sale of automobiles to the highest bidder.

Auto and vehicle dealer

shall mean a facility for display, service and sales of used or new automobiles, motorcycles, recreation vehicles, and travel trailers, excluding heavy equipment.

Auto and vehicle dealer (indoors)

shall mean a climate controlled facility used for the display and sales of used or new automobiles, motorcycles, recreation vehicles, and travel trailers, but not including heavy equipment. All sales, service, storage and display areas shall be indoors. Service and

storage areas shall cumulatively be incidental and subordinate to the primary use of sales and display.

Auto and vehicle impoundment or holding yard (no salvage)

shall mean a parcel of land or a building that is used for the impoundment of vehicles and storage of inoperable vehicles usually awaiting insurance adjustment or transport to a repair shop and where vehicles are kept for a period not to exceed sixty (60) days.

Auto and vehicle towing (wrecker)

shall mean the operating of a truck for the towing of inoperable motor vehicles.

Auto body and paint shop

shall mean a facility which provides collision repair services, including body frame straightening, replacement of damaged parts, or painting.

Auto detailing service

shall mean a facility for the cleaning, washing, waxing and polishing of motor vehicles including steam cleaning.

Auto glass, muffler and seatcover shop

shall mean an automotive service establishment specializing in assembly, fitting and installation of glass, seatcovers or mufflers in automobiles as a primary activity.

Auto insurance claims office

shall mean a branch office of a major auto insurance agency in which a liability adjuster assists in damage claims and adjustments to vehicles.

Auto manufacturing

see manufacturing, medium

Auto parts and accessory sales

shall mean a facility having auto parts, accessories and tools for sale (no repairing).

Auto quick lube

shall mean facilities which perform routine servicing of motor vehicles, including the replacement of elements and fluids which are expected to be routinely replaced on a frequent basis (such as engine oil and other lubrication; brake, transmission and power steering fluids; and air filters) generally while customers wait.

Auto repair

shall mean a facility for motor vehicle maintenance, service, and engine repair (not including painting or body and frame work).

Auto repair or assembly (salvage parts)

shall mean a facility which performs auto body, painting and engine repair and/or which assembles operable vehicles from salvage parts and components.

Auto salvage yard

see salvage yard.

Automatic teller machine (ATM)

shall mean an automated device that performs banking or financial functions (deposits, withdraws, fund transfers) at a location remote from the controlling financial institution.

Average Daily Trips (ADT)

ADT is determined in accordance with the Institute of Transportation Engineers, *Trip Generation* (7th ed. 2003), which is incorporated by reference.

Bail bonds office

financial establishment providing legal assistance for a fee in posting bonds to release customers from a detention facility.

Bait and tackle shop

shall mean retail sales of fishing supplies and general outdoor items to include live bait, tackle, camping supplies and food items.

Bakery and confectionary shop (neighborhood)

shall mean a place for preparing, cooking, baking, and selling of products on the premises.

Bakery (commercial and industrial)

see food and beverage processing.

Bank, credit union or savings institution

shall mean a completely enclosed facility, the primary use of which is the custody, loan, exchange or issue of money, the extension of credit and the transmission of funds.

Barge or ship manufacturing

see manufacturing, heavy

Bar or tavern

an establishment, also known as bars, taverns, or drinking places, primarily prepare and serve alcoholic beverages for immediate consumption. These establishments may also provide limited food and entertainment (primarily music) services.

Barber shop

shall mean a facility where haircuts, hairdressing, shaving, trimming beards, facials, manicures or related services are performed.

Bed and breakfast inn

shall mean residential structures where short term (maximum of seven (7) consecutive days) lodging rooms and meals are provided. The owner shall live on the premises.

Beer garden

shall mean a tavern, private club or similar establishment having outdoor dining or drinking area or music (live or recorded).

Beer, wine and liquor store

shall mean a facility for the retail sale of beer, wine or liquor not for on premise consumption.

Bicycle Rack

shall mean a fixture designed to park bicycles that can be secured with a standard u-shaped bicycle lock. Each bicycle parking rack holds a minimum of two (2) bicycles

Bicycle sales and service

this class comprises establishments retailing new or used bicycles in combination with repair services and selling replacement parts and accessories.

Bikeway plan

shall mean the official bikeway plan and bikeway plan map of the city.

Bingo parlor

shall mean any building or part thereof utilized for the playing of "bingo" for money and prizes as defined and controlled under state regulations. This shall not be construed to include the use of structures or parts thereof for the playing of "bingo" for prizes only as a function of church, charitable or other nonprofit organizations.

Block

shall mean a parcel of land, intended for urban purposes, which has definite boundaries formed by being surrounded by such features as public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or combinations thereof.

Board of zoning adjustment

An appointed body, whose responsibility is to hear appeals from decisions of the staff and to consider requests for variances from applicable zoning requirements in cases of demonstrated unnecessary hardship or practical difficulty. Also referred to as BZA.

Board of directors

shall mean the governing and legislative body of the City of Fort Smith, Arkansas.

Boat manufacturing

see manufacturing, light

Boat or marine craft dealer

shall mean a facility for display, service and sales of used or new boats or marine craft.

Bookstore

shall mean a facility for the retail sale of items such as books, newspapers, magazines, music, videos, stationery, pens, and ink.

Botanical gardens

a public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

Bottling company

see food and beverage processing.

Bowling alley

an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area.

Brewery

a building or place that produces beer, or a business involved in the production of beer. Breweries can take up multiple city blocks, or be a collection of equipment in a homebrewer=s kitchen. The diversity of size in breweries is matched by the diversity of processes, degrees of automation, and kinds of beer produced in breweries. Typically a brewery is divided into distinct sections, with each section reserved for one part of the brewing process.

Bridal shop

shall mean a facility for the retail sale and/or rental of formal wedding apparel and for accessory items such as lingerie, floral arrangements and invitations and for studio photography and registration services.

Buildable area

shall mean the space remaining for construction on a lot after the reserved area requirements (yards, setback, easements, etc.) have been met.

Building

shall mean a combination of materials to form a construction that is safe and stable, and designed to be built for the support, enclosure, shelter, or protection of persons, animals, chattel or property of any kind. The term "building" shall be construed as if followed by the words "or portion thereof."

Building, attached,

shall mean a building which shares a continuous and permanent wall or roof with an adjacent building.

Building, detached,

shall mean a building having no wall, roof, floor or other structural element in common with another building.

Building, facade,

shall mean a face of a building.

Building line or setback line

shall mean a line beyond which a building shall not extend. The location of the building line shall be determined by the zoning district in which the subdivision is located. In most cases, the Building Line and Setback Line are the same thing.

Building materials salvage yard

see salvage yard

Building official

shall mean the officer or other designated authority charged with the administration and enforcement of the construction codes of the City of Fort Smith.

Building, portable,

shall mean a temporary building that does not have a foundation and is transportable and is not used as a residential structure.

Building, principal,

shall mean a building in which is conducted the main or principal use of the lot on which such building is situated.

Bulk petroleum storage

storage tanks and accessory buildings used for dispensing of flammable or combustible liquids or gases into smaller containers or for use in industrial processes and distributed to the process by closed-circuit piping.

Bulk storage of highly flammable materials

shall mean a facility for the storage of chemicals, gases or liquids which are or could be caused to ignite or explode.

Business park

shall mean a single site, lot, tract or subdivision containing two (2) or more separate professional and/or commercial uses in separate buildings.

Bus station and terminal

shall mean a facility on a common carrier line for bus docking, freight storage and passenger loading and unloading. This shall not be construed to include passenger shelters which may be located on a local bus route.

Bus, truck sales and service

shall mean a use that sells and services buses and large trucks normally used for commercial purposes such as tandem axle and tractor trailers.

Business support services

an establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

Cabinet and woodwork shop

shall mean a shop for the repair or creation of cabinets, individual items of furniture, and

wooden home furnishings on a custom basis. This shall not be construed as a factory, planing mill or similar woodworking plant.

Cameras, photographic supplies and services

shall mean businesses which retail and repair cameras, photographic equipment, film processing, and supplies. They also provide repair services and film developing.

Camps, camping and related establishments

shall mean an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Car wash (full-service)

shall mean a facility for the washing and cleaning of motor vehicles utilizing production line methods with conveyors, sprayers, blowers or other mechanical devices, and which employs hand labor.

Car wash (self service)

shall mean a facility for washing and steam cleaning passenger automobiles (including self-service operation), operating either as a separate facility or in conjunction with another use.

Carnival or circus

shall mean a traveling or transportable group or aggregation of rides, shows, games, or concessions of any combination thereof.

Carpet and upholstery cleaning

services customers at individual home or business locations in carpet and upholstery cleaning.

Carport

a permanent roofed structure open on at least two sides, designed for or occupied by private passenger vehicles.

Casino gaming business

shall mean an establishment engaging in the gaming business which utilizes any game played with cards, dice, equipment, or any mechanical, electromechanical, or electronic device, or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, blackjack, poker, keno, baccarat, roulette, craps, slot machine, video poker or any other gaming, percentage game or any other similar game or device.

Catering service

shall mean a facility that provides the service and the supply of food to be consumed off the premises.

Cellular phone and accessory sales

shall mean establishments primarily engaged in operating, maintaining, selling, and servicing of cellular phones and accessories.

Cemetery, crematorium, or mausoleum

shall mean a place for interment of human or pet remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Cemetery, pet

see pet cemetery

Certificate of occupancy

shall mean official certification that a premises conforms to provisions of this chapter and may be used or occupied.

Check cashing service

shall mean any establishment that provides to the customer an amount of money that is equal to the face value of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time. This term does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks, issue money orders, or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business.

Chemicals, plastics, and rubber industry

shall mean industries that process and transform organic and inorganic raw materials, plastics and rubber, and form products by chemical processes.

Child and youth services (office)

these establishments offer services such as adoption, foster care, drug prevention services, and life-skills training.

Child day care

child day care establishments primarily care for infants and preschool children and often offer pre-kindergarten education programs. Some provide care services for older children.

Cigar, cigarette or tobacco store

shall mean a place where cigars, cigarettes, pipe tobacco and related items are sold at retail.

City

shall mean the City of Fort Smith, Arkansas.

City administrator

shall mean the chief administrative officer of the City of Fort Smith, Arkansas.

Classroom

a room in which teaching or learning takes place and which can be found in all kinds of educational institutions.

Cleaner, dry cleaning, laundry (pick-up and drop-off)

shall mean a custom cleaning shop with drop-off service for the cleaning and pressing of garments.

Clothing and personal items

shall mean a facility for the custom making of apparel and millinery not involving a factory.

Clothing manufacturing

shall mean operations involving cutting, sewing, forming and packing of garments and similar items, including millinery and clothing accessories.

Clothing store

shall mean a retail facility for selling male and/or female apparel.

Coal mining

this category comprises establishments that: (1) mine bituminous coal, anthracite, and lignite; (2) develop coal mine sites; and (3) beneficiate (i.e., prepare) coal (e.g., by cleaning, washing, screening, and sizing coal).

Collection agency

a business engaged in the collecting or receiving of payment for others on any account, bill, or other indebtedness.

College, university or seminary

shall mean an academic institution of higher learning, accredited or recognized by the state, offering a program or series of programs of academic study or an institution of training of candidates for the priesthood, ministry or rabbinate.

Commercial communication tower

see tower.

Commercial grower

shall mean the growing of crops and plants for commercial sale to nurseries, home improvement centers, and other large volume buyers.

Commercial, industrial machinery, and equipment (rental and leasing)

shall mean a business which rents or leases heavy equipment used for construction, mining, or forestry, earthmoving equipment, well-drilling machinery and equipment, or cranes.

Commercial, industrial machinery, and equipment (sales and service)

shall mean a business which sales or services heavy equipment used for construction, mining, or forestry, earthmoving equipment, well-drilling machinery and equipment, or cranes.

Commercial laundry

shall mean an establishment for providing dry cleaning and/or laundry service to smaller shops or pick-up stations, or to industry and commercial enterprises.

Common useable open space

shall mean that portion of land or area of water or combination of land and water within the site designated for a development and designed and intended for the use and enjoyment of the residences and owners of the development, and easily accessible to all the residences. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residences and owners of the development, but shall not include parking lots, streets and other areas designed primarily for other than common recreational or open space use. All improvements must be approved by the Planning Commission at the time of the approval of the development.

Community food services

these establishments collect, prepare, and deliver food for the needy. They distribute clothing and bedding, run collections for food donations, and provide meals at fixed or mobile locations. Examples are food banks, meal delivery programs, and soup kitchens.

Community health and welfare clinic

shall mean a community service facility where social, recreational, welfare, health or child care assistance is provided by a public, quasi-public, tax-exempt or church agency.

Community recreation center

shall mean public or private recreational facility that includes community meeting rooms, and opportunity for other indoor activities to serve a neighborhood or area of the city. These facilities are not commercial operations but are normally owned and operated by the city or a neighborhood organization.

Community residential facility

shall mean a community based facility licensed by the state or sponsored by an agency or organization certified by the state that provides room and board, personal care, habilitation services and supervision in a multiple-family environment for sixteen (16) or more handicapped persons. The community residential facility site development plan shall comply with the following conditions in addition to the standard building permit requirements:

- (1) The facility shall have direct primary access to a street classified as a collector or arterial on the city's master street plan.
- (2) The facility shall provide approved screening from adjacent residences.

(3) The facility's structure shall be similar in appearance to other typical single-family or multiple-family residences in the neighborhood.

(4) The facility shall include landscaping and the lot amenities (decor) shall be similar to the adjacent residential lots.

NOTE:

1. The following uses including, but not limited to, nursing homes, boarding and rooming houses, rescue missions, orphanages, fraternities, sororities and halfway houses shall not be considered group homes or community residential facilities.

2. A community residential facility for the handicapped shall not house handicapped persons whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. It shall be the responsibility of the agency operating the group home to approve all applications for residents to assure compliance with this requirement.

Comprehensive plan

shall mean the plan developed by the City for the purpose of bringing about an orderly, coordinated, and physical development of the City. Any reference to the comprehensive plan in the UDO shall be by express reference only. Terms or phrases in the UDO which do not expressly reference the comprehensive plan, including but not limited to "adopted plans," "adopted policies," "area plans," "functional plans," "planning policies," or "policies," shall not be intended to refer to the comprehensive plan.

Computer and software shop

shall mean a facility for the sale, repair and service of computers, software, and their parts and accessories.

Concept Plan

shall mean a site or survey plan which is general in nature and which depicts the intended lot configuration and street layout of a proposed subdivision.

Conditional use

shall mean uses that can be approved in a zone where they are specifically listed as conditional uses and are subject to special conditions as determined by the planning commission as outlined in Chapter 27-332.

Congregate living

shall mean these establishments that serve meals in what may be low-income and federally subsidized housing or non-subsidized housing facilities.

Consistent

shall mean where an improvement, design feature, infrastructure, or similar element (Aimprovement@) is required by the Unified Development Ordinance to be Aconsistent@ with a document that is referenced in these regulations (Astandard specifications@), the improvement must be provided where required by the standard specifications and must conform to the standards provided in the standard specifications.

Consulting services-

see professional services

Consumer rental center

shall mean business establishments that rent household-type goods. Rental items include but not limited to: home health equipment; consumer electronics equipment, such as televisions, stereos, and refrigerators; furniture; and party supplies.

Container storage

cargo packed in a large (typically eight feet by eight feet by 20 feet) trunk-like box, and loaded, stored, and unloaded as a unit.

Contractor=s office

shall mean a room or group of rooms used for conducting business affairs but may not include structures or open storage yards for supplies and operating equipment.

Contractor's shop and storage yard

shall mean a facility for general contractors, including buildings and open storage yards for supplies and operating equipment, but not constituting a junk or salvage yard.

Convenience store (with gasoline sales)

shall mean a facility associated with the sale of petroleum products that also offers for sale pre-packaged food, food items and consumer goods, primarily for self-service by the consumer.

Convent or monastery

shall mean dwelling units of a religious order or congregation for persons under religious vows.

Convention/event center

shall mean facility designed for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including but not limited to temporary outdoor displays, food and beverage preparation and parking garages.

Cosmetics, Beauty Supplies, and Perfume Stores

retail establishments known as a cosmetic or perfume store or beauty supply shops primarily engaged in retailing cosmetics, perfumes, toiletries, and personal grooming products.

Country club

shall mean an area containing a clubhouse and recreation facilities restricted to the use of specific membership and which may contain a golf course, tennis court, swimming pool, dining room, social facilities and similar recreation and service facilities.

Courier and messenger services

shall mean establishments that provide air, surface, or combined courier delivery services of parcels and messages within or between metropolitan areas or urban

centers. These establishments may form a network including local, and point-to-point pick up and delivery.

Credit and finance establishment

shall mean public or private establishments which extend credit or lend funds.

Crematory

see cemetery.

Criminal justice facility

shall mean a facility used primarily for conducting the affairs of the criminal justice system, including federal, state, county, and municipal courts, public safety departments and detention facilities, together with incidental storage and maintenance of necessary vehicles.

Cul-de-sac

shall mean a street with only one outlet having a radius for the safe and convenient reversal of traffic movements.

Customer service area

shall mean an area set aside in any retail or commercial establishment where customers may receive special service or where customers may wait while service is being performed on automobiles, appliances, or other customer-owned products.

Dairies

see food and beverage processing.

Dance hall/ night club

shall mean an establishment whose primary activity is the provision of facilities for dancing and live entertainment or amplified music.

Data processing facility

shall mean an establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services.

Daycare center

shall mean a facility operated for the purpose of providing care, protection and guidance for 12 or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

Daycare home, twelve (12) or less,

shall mean a care service, licensed by the state, in a private home which cares for a limited number of people who are apart from their own family or relative during a part of the day.

Dedication

shall mean the transfer of property by the owner.

Delivery service

shall mean establishments primarily engaged in undertaking the transportation of goods and people for compensation, and which may in turn make use of other transportation establishments in effecting delivery.

Density

shall mean the number of dwellings or principle buildings or uses permitted per net acre of land.

Density bonus

shall mean the allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned in exchange for the provision or preservation of an amenity at the same site or at another location.

Department store, warehouse club, or superstore

Shall mean a retail or wholesale development that typically requires high parking to building ratios and has a regional sales market. Regional retail/wholesale sales can include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

Detached Residential

shall mean a standard single-family residential structure not attached to any other structure such as another dwelling unit or non-residential use.

Detention facility

shall mean a jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

Developer

shall mean the owner (or his authorized agent for such purposes) of land proposed to be subdivided or developed.

Development

the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of land.

Development plan

shall mean a type of plan that becomes part of the zoning for a property. The plan depicts site characteristics and development information and provides guidance for site plans.

Diagnostic laboratory testing facility

a facility offering diagnostic or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis, and any other diagnostic test generally recognized in the healthcare industry.

Director

shall mean the Director of the Fort Smith Department of Planning and Zoning. Where appropriate, Director may also include the Director's designated assistant or deputy.

Doctor office and clinics

a building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, no overnight patients shall be kept on the premises.

Dolls, toys, games, and musical instrument manufacturing

see manufacturing light.

Domestic violence shelter

shall mean a temporary shelter for individuals affected by domestic violence. Such use shall be operated by a public or non-profit entity and may provide temporary lodging, counseling, day care, and support services.

Dormitory, sorority, or fraternity

shall mean a residence hall providing sleeping rooms with or without eating facilities.

Drive-in theater

shall mean a facility developed in the open and arranged so that patrons may view and hear a motion picture on a screen or a performance on a stage while seated in their automobiles or outside seating.

Drive through window service

a building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

Driving range

shall mean an area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop, but excludes miniature golf courses.

Duplex

shall mean a building on a single lot that has two attached independent dwelling units.

Durable goods

establishments in the durable goods subcategory sell or arrange the purchase or sale of capital or durable goods to other businesses. These establishments wholesale products, such as motor vehicles, furniture, construction materials, machinery and equipment (including household-type appliances), metals and minerals (except petroleum), sporting goods, toys and hobby goods, recyclable materials, and parts. Durable goods generally have life expectancy of at least three years.

Dwelling

shall mean a building that contains one or more dwelling units used, intended, or designed to be rented, leased, let or hired out to be occupied for living purposes.

Dwelling unit

Shall mean a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement

shall mean a right-of-way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usage, given by the owner of land to another party, and kept free from buildings or structures.

Electric power plant

shall mean establishments that provide electric power generation, transmission, control, and distribution. Establishments include facilities that convert other forms of energy into electrical energy, electric power transmission and control systems (including lines and transformer stations), and distribution systems (i.e., lines, poles, meters, and wiring).

Electric Vehicle

shall mean any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions, pollution when stationary, or operating

Electric Vehicle Charging Station

shall mean an electrical component assembly designed specifically to charge batteries within electric vehicles. Electric vehicle charging stations are L2 or higher.

Charging levels

- 1) *Level 1 (L1). Electrical service and charging equipment operating at 120v outlets*
- 2) *Level 2 (L2). Electrical service and charging equipment operating on 208/240v outlets*
- 3) *Level 3 (L3). Electrical service and charging equipment operating at greater than two hundred forty (240) volts*

Electrical equipment, appliance, and components manufacturing

shall mean establishments manufacture computers, computer peripherals, communications equipment, audio equipment, lighting equipment, batteries, motors, and other products that generate, distribute and use electrical power. Included are

manufactures of components for the above products and manufacturers of small and major household appliances.

Electrical, plumbing, heat & air conditioning

A place of business primarily engaged in selling and/or distributing electrical, plumbing and HVAC products to suppliers and contractors with limited retail to the general consumer.

Electronics and appliances (new)

see furniture and home furnishings (new)

Electronics and appliances (used)

see furniture and home furnishings (used)

Elevation

shall mean a drawing showing the vertical, exterior elements of a building as a direct projection to a vertical plane.

Emergency & Relief Services

shall mean an establishment primarily engaged in providing food, shelter, clothing, medical relief, resettlement, and counseling to victims of domestic or international disasters or conflicts (wars). Emergency relief may be needed following a natural disaster such as an earthquake, fire, drought, tornado, famine, hurricane, flood, mudslide, or a man-made disaster such as hazardous material containment, nuclear or biological threats or acts of terrorism.

Emergency response station

the conduct of safety and emergency services, such as, but not limited to, emergency medical and ambulance service.

Employment agency

shall mean an agency that helps find jobs for persons seeking employment or assists employers in finding persons to fill positions that are open.

Employment agency (day labor)

shall mean an agency that helps find jobs for normally unskilled labor on a daily basis.

Engine repair (all types)

shall mean a facility for motor vehicle repair.

Engineering department

shall mean the department of the City of Fort Smith responsible for civil engineering functions.

Equestrian facilities

shall mean horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, and horse exhibition facilities. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

Equipment, rental, service stores

shall mean an establishment displaying and offering for rent equipment for domestic maintenance and improvement including cleaners, mowers, ladders, tillers, cement mixers, wheelbarrows, paint spraying equipment and similar items.

Erect (signs)

shall mean to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish a sign. The term Aerect@ shall not mean a change in the advertising message or customary maintenance and repair.

Explosives manufacturing

see manufacturing heavy.

Extermination and pest control

establishments that exterminate and control mosquitoes, rodents, termites, and other insects and pests.

Facade

shall mean a vertical exterior face or elevation of a building.

Facilities support services

these establishments provide operating staff for support services within a client=s facilities. They typically provide a combination of services, such as janitorial, maintenance, trash disposal, security, mail reception, and laundry services.

Fairground/ rodeo ground

an area wherein buildings, structures, and land are used for agricultural related offices, animal shows and judging, carnivals, circuses, community meetings, recreational uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters, excluding racetracks and motorized contests of speed.

Family

for purposes of this chapter, shall mean either:

(1) One (1) or more persons occupying a single dwelling unit provided that all members are related by blood, marriage or adoption and may include domestic employees housed on the premises; or

(2) A group of not more than four (4) persons who are not related by blood, marriage or adoption, living together as a common household in a dwelling unit.

This definition of family is established for the purpose of preserving the character of residential neighborhoods by controlling population density, noise disturbance, and traffic congestion, and shall not be applied so as to prevent the city from making reasonable accommodation where the city determines it necessary to afford handicapped persons living together in a household equal access to housing pursuant to the federal Fair Housing Amendments Act of 1988.

Family support services

shall mean hotline centers, suicide crisis centers, or self-help organizations that provide counseling, support, and education.

Farmers market

shall mean a temporary or occasional outdoor retail sales of farm produce from vehicles or temporary stands.

Feed store

shall mean a facility for sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.

Ferry boat facility

shall mean a facility for waterborne transportation (e.g., commuter ferries, water taxis, hovercraft) or short term excursions (e.g., charter boats, mini-cruises, sight-seeing, gambling, dining, and entertainment on the water) including but not limited to : passenger terminals and berthing areas, storage, employee or passenger parking, administrative functions, ship servicing area, layover berths, fueling stations, and other boat or passenger services.

Fine art and performance education (art, drama, speech, dance, music or similar skills)

shall mean a place for the instructing, coaching or counseling of personal skills of the arts.

Fire and rescue station

a building used to house fire equipment, firefighters, and emergency medical services.

Firearms range

shall mean a facility designed and constructed for the practice and teaching of marksmanship with hand guns, rifles and shotguns and operated by a public agency or a quasi-public or private corporation approved by the city.

Fitness Studio

shall mean a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Examples include martial arts, yoga, dance or similar activities but does not include spectator events.

Flea market (indoor)

shall mean a commercial activity conducted, inside a building, with individual spaces for rent to individual sellers for the sale of new or used merchandise. No outdoor storage or display.

Flea market (outdoor)

shall mean a commercial activity conducted outside with individual spaces for rent to individual sellers for the sale of new or used merchandise.

Flood or flooding

shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- a temporary rise in stream level that results in water covering areas not ordinarily covered by water.

Flood insurance rate map (FIRM)

shall mean an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floodway (regulatory floodway)

shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area ratio (FAR)

Floor area ratio is measured as the gross floor area of all buildings on a lot or parcel divided by the lot area.

Floor, paint, wall covering, and window treatment store

shall mean a facility for the display and sales of paint, carpeting, rugs, tile, vinyl, wallpaper and/or window treatments and the equipment and supplies for the hand application and maintenance of those things.

Florist shop

shall mean a facility for the retail sales of cut or uncut flowers and ornamental plants and accessory items.

Food and beverage processing

the preparation, processing, or canning and packaging of food and beverage products. Examples of activities included are bakeries, dairies, and bottling companies.

Food distribution center

provides for the bulk transportation and distribution of food service products to large public or private institutions such as schools or offices.

Foot-Candle

a unit of light quantity or density where the foot is the unit of measure. One (1) foot-candle equals one lumen (light) per square foot of area. Foot-candles are a measure of the lighting levels for sites.

Foundry or metal-works facility

shall mean a facility for the melting, smelting, molding or otherwise processing or manufacturing of metallic minerals or metal stock.

Fourplex

shall mean a building on a single lot that has four attached independent dwelling units.

Frontage

shall mean the distance along a property line which is also the right-of-way line of a dedicated public street.

Full-cutoff luminaire

a luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Full-cutoff luminaires employ light sensors to turn lighting on and off when needed.

Fully-shielded lights

outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Fund, Trust, or Other Financial Establishments

shall mean establishments which pool fund and trust assets on behalf of their shareholders. They act as principals or brokers in buying or selling financial contracts and provide related investment services, such as portfolio management; investment advice; and trust, fiduciary, and custody services.

Funeral home or mortuary

shall mean a building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

Furniture or home furnishing (manufacturing)

see manufacturing medium.

Furniture or home furnishing (new)

shall mean a retail facility for displaying and selling new furniture, household appliances, and lawn furniture.

Furniture or home furnishing (used)

shall mean a retail facility for displaying and selling used furniture, household appliances, and lawn furniture.

Furniture repair store and upholstery shop

shall mean a facility for repairing and reupholstering furniture. The use of specialized equipment is included.

Gable

shall mean the entire triangular end of a wall, above the level of the eaves, that conforms to the slope of the roof to which it abuts.

Garage or estate sale

shall mean offering for sale, on a residential premises, of household furnishings, clothing, appliances and related items belonging to the resident of the premises.

Gasoline service station

shall mean an establishment designed and constructed for the primary function of selling at retail motor vehicle fuels and lubricants and may include as a secondary function the sale and installation of tires, accessories, antifreeze and light automotive repair and maintenance.

Gift shop

Retail stores where items such as art, antiques, jewelry, books and notions are sold.

Glare

light emitting from a luminaire with an intensity great enough to reduce a viewer=s ability to see, and in extreme cases causing momentary blindness.

Glass sales and service

shall mean a business which provides commercial glass and glazing for building storefronts, windows, doors, curtain walls, showcases and skylights.

Golf course

shall mean a golf course, privately or publicly owned but opened to the public for a fee and operated as a commercial venture.

Governing authority

shall mean City of Fort Smith.

Government office

shall mean a building or structure that includes office(s) used by a governmental agency to provide a governmental service to the public.

Grain storage and processing

shall mean a facility for the storage or mixing or grinding of grains or other prepared foods to be used as food for pets, livestock or fowl.

Grandfathered luminaires

luminaires not conforming to this code that were in place at the time this code was voted into effect.

Graphic, industrial, interior design

see professional services

Greenhouse (sales)

shall mean an area or structure for the growing, display and sale, at retail, of plants, flowers, trees and other plant materials and the supplies for maintaining plant material.

Grocery store or supermarket

shall mean an establishment where food and associated items are kept, displayed and sold at retail.

Group homes

For purposes of this chapter, two (2) categories of group homes shall be recognized (NOTE: A group home shall not house handicapped persons whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. It shall be the responsibility of the agency operating the group home to approve all applications for residents to assure compliance with this requirement.):

(1) Family group home shall mean a community based home licensed by the state or sponsored by an agency or organization certified by the state that may provide room and board, personal care, habilitation services and supervision in a single-family environment for not more than eight (8) handicapped persons.

(2) Neighborhood group home shall mean a community based home licensed by the state or sponsored by an agency or organization certified by the state that may provide room and board, personal care, habilitation services and supervision in a multiple-family environment for more than eight (8) but less than sixteen (16) handicapped persons.

Gross acreage

shall mean total acreage of the proposed development including areas designated for internal streets, common areas and other public facilities.

Gross floor area

shall mean the total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, enclosed porches and balconies. Synonymous with the term "floor area."

Gross leasable area

shall mean the total area of any building or facility available for leasing to another party. In many cases this area is identical to gross floor area. In other circumstances, such as is the case with pedestrian malls, the area does not include pedestrian walkways, parking spaces and other public use areas.

Guest house

shall mean an attached or detached building that provides living quarters for guests or persons employed to provide domestic services to the occupants of the principal residence and (a) is clearly subordinate and incidental to the principal residence on the same building site; and (b) is not rented or leased, for any compensation, direct or indirect, other than the providing of domestic services.

Gymnasium

see health club

Half street

streets with half the required width of the required right-of-way on the bounding edge of a tract being subdivided. This term excludes marginal access full-width streets and frontage roads along arterial streets and limited access major streets.

Handicapped persons

shall mean those so defined in the Fair Housing Amendments Act of 1988, and shall include persons with a physical or mental impairment which substantially limits one (1) or more of such person's major life activities, or who has a record of having such an impairment, or who is being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance.

Handicraft, ceramic, sculpture or similar art workshop

shall mean a facility to individually create objects such as leather goods, jewelry, oven-fired, nonmetallic mineral products or carved three (3) dimensional works of art, including sale of such items at retail, not to be construed as a factory.

Hardware store

shall mean a facility of 30,000 or fewer square feet gross floor area primarily engaged in the retail sale of various basic hardware items such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, household appliances, lawn and garden supplies, etc.

Hardware store (neighborhood)

shall mean a retail facility consisting of a single main structure located at the edge of residential areas which exists for the purposes of selling tools, utensils, screws, nails, lawn and garden supplies and similar hardware items; with outside storage prohibited, and display areas limited to private walk areas in front of and adjacent to the main store structure.

Hazardous Waste treatment and disposal

A facility licensed by the appropriate Federal and State agencies to treat, store, or dispose of hazardous waste.

Health club

an establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Height,

(building or other structure) shall mean the vertical distance from the average ground level abutting a building or structure to the highest permanent part of the building or structure. The following structures shall be excluded from the definition: Chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, residential television receiving antennas, church spires, and parapet walls not exceeding three (3) feet in height.

Height of luminaire

shall mean the height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Heliport

shall mean a landing facility for rotary winged aircraft.

Historical or archaeological institution

shall mean research repository for historic or archaeological resource inventory documents and related historic and materials.

Hobby shop

shall mean a facility for the retail sale of hobby supplies such as model kits, art equipment and materials.

Home improvement center

Shall mean a facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, lumbers, builders hardware, household appliances, garden supplies, etc.

Homeless shelter

shall mean a facility providing temporary housing to indigent, needy, homeless, or transient persons; may also provide ancillary services such as counseling, life-skills classes, and vocational training, etc.

Homeowners association recreational center

shall mean private recreational facilities and/or clubhouses which are designed and constructed as part of a subdivision development and which are intended for the specific use of members of a homeowners association.

Home occupation

shall mean an occupation carried on in a residential dwelling and/or related accessory building as an incidental, subordinate and accessory activity to the primary use of the premises.

Horse track

shall mean a circular, elliptical, rectangular, oblong, or similarly shaped endless accessory structure either enclosed or outside, usually constructed of earth, used for the exercise and/or training of horses and/or driver and riders on a farm.

Hospice residential care facility

a freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting.

Hospital

shall mean a building or part thereof, used for medical, psychiatric, obstetrical, or surgical care, on a twenty-four-hour basis, of four (4) or more patients.

Hotel or motel

shall mean a commercial establishment offering lodging to travelers and often having restaurants, meeting rooms, stores, etc., that are available to the general public.

Illuminance

shall mean the quantity of light arriving at a surface divided by the area of the light surface, measured in foot-candles. Horizontal illuminance applies to a horizontal surface: vertical illuminance applies to a vertical surface. Average illuminance is the level of illuminance over an entire illuminated target area. Maximum illuminance is the highest level of illuminance on any point within the entire area: minimum illuminance is the lowest level of illuminance on any point within the target area.

Incinerator

shall mean an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down solid waste.

Infill Development

Residential infill is the development of residential dwelling units on 30 or less vacant, under-utilized or redeveloped lots totaling 5 acres or less in size which are surrounded by or in close proximity to areas that are substantially or fully developed.

Infrastructure

shall include utilities, sanitary sewer systems, water systems, storm drainage systems and streets.

Insurance office

shall mean establishments primarily engaged in acting as agents (i.e., brokers) in selling annuities and insurance policies.

Interior decorator service

shall mean an office or studio for the design, selection and coordination of paint, wall coverings, fabrics, floor coverings, window treatments, furniture and fixtures for architectural interiors.

Investigation and security services

establishments in this subcategory provide one or more of the following: (1) investigation and detective services; (2) guard and patrol services; (3) the picking up and delivering of money or valuable items with protection while in transit; (4) the selling of security systems, such as burglar and fire alarms and locking devices, along with installation, repair, or monitoring; and (5) remote monitoring of electronic security alarm systems.

Investment banking, securities and brokerages

shall mean establishments primarily engaged in underwriting, originating, and/or maintaining markets for issues of securities.

Janitorial services

shall mean establishments that clean building interiors, interiors of transportation equipment (e.g., aircraft, rail cars, ships), or windows.

Jewelry and silverware manufacturing

see manufacturing light.

Jewelry store

shall mean a facility which retails watches, rings, bracelets, necklaces and similar items.

Kennels

shall mean an arrangement of buildings and/or pens for the care, breeding and raising of dogs and cats and involving facilities for five (5) or more dogs or cats.

Laboratory, manufacturing,

shall mean operations involving the compounding of products such as perfumes, pharmaceuticals and the development and assembly of instruments and similar items.

Laboratory, medical research,

shall mean a facility for performing scientific tests, analysis or experimental studies.

Laboratory, research

shall mean a facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

Landscape contractor

shall mean a business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

Laundry and cleaning facilities (self-service)

shall mean a facility where patrons wash, dry, and/or iron clothing or fabrics in machines operated by the patrons.

Laundry, cleaner

shall mean an establishment that provides dry cleaning and/or laundry service on the premise.

Laundry, commercial/industrial

shall mean an establishment used for cleaning fabrics, textiles, wearing apparel, or articles of any sort of volatile solvents.

Laundry, cleaner (drop-off station)

shall mean an establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Lawn and garden supplies-

see hardware store

Leather and allied products

leather and allied product manufacturers: a). transform hides into leather by tanning or curing; b). Fabricate leather into products for final consumption; and c). Manufacture similar products from leather substitutes, such as rubber, plastics, or textiles. Rubber footwear, textile luggage, and plastic purses are some examples of products made from leather substitutes.

Legal services

see professional services.

Library or public arts complex

shall mean an establishment for the loan or display of books or objects of art or science which is sponsored by a private, public or quasi-public agency in which the institution is open and available to the general public.

Licensee

shall mean any person licensed to operate and maintain a mobile home park within the city.

Light fabrication and assembly process

shall mean manufacture and assembly of previously prepared materials such as food, drugs, cosmetics, cellophane, canvas, cloth, felt, fur, glass, leather, paints, paper or plastic.

Light trespass

the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Limousine service

shall mean a business that offers the public motor vehicles for carrying or transportation of passengers between airports and points within the city for a fixed charge or fee, or offering a vehicle with driver for transportation of passengers at an hourly rate.

Lithographic shop or commercial printer

shall mean an establishment involving the printing and publishing of books, magazines, newspapers, posters and similar graphic material in volume.

Livestock auction

shall mean barns, pens and sheds for the temporary holding and sale of livestock.

Loading space (off-street)

shall mean an unobstructed, hard-surfaced area no part of which is located in any

street or public right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.

Local freight and furniture moving (no storage)

shall mean establishments that provide local general freight trucking, usually within a metropolitan area which may cross state lines. They handle a wide variety of commodities, generally pelletized and transported in a container or van trailer. Most trips are same-day return.

Locksmith

shall mean an establishment primarily engaged in the repair and sale of locks and keys.

Lodge or fraternal organization

shall mean a private, nonprofit organization whose primary purpose is to promote the fellowship of its members which may conduct business associated with philanthropy or civic awareness.

Long distance freight and furniture moving (and storage)

shall mean long distance freight trucking establishments that provide long-distance general freight trucking, usually between metropolitan areas which may cross North American country borders. They handle a wide variety of commodities, generally pelletized and transported in a container or van trailer. Included are establishments operating as truckload (TL) or less than truckload (LTL) carriers.

Lot

shall mean a parcel of land intended to be occupied by principal buildings or uses and accessory buildings or uses customarily intended to go with them, including such open spaces as are required by this chapter, and having frontage on a dedicated public street. A lot as defined herein may consist of one (1) or more platted lots, or tract or tracts conveyed or parts thereof.

Lot area

shall mean the total horizontal area included within the lot.

Lot, corner,

shall mean a lot that has frontage on intersecting public streets.

Lot coverage

shall mean the maximum percentage of a lot which may be covered by structures.

Lot depth

shall mean the mean horizontal distance between the front lot line and rear lot line, or the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot, double frontage,

shall mean a lot having frontage on two (2) nonintersecting public streets.

Lot, flag,

Shall mean a lot that has access to a public right-of-way by means of a narrow strip of land.

Lot, interior,

shall mean a lot other than a corner lot.

Lot line

shall mean any boundary line of a lot.

Lot line, front,

shall mean the property boundary line that runs common with and adjacent to any street frontage or right-of-way separating such lot from such street or right-of-way. In the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line unless previously defined by platting.

Lot line, rear,

shall mean that property boundary line which is generally parallel to and most distant from the front lot line of the lot.

Lot line, side,

shall mean any boundary of a lot which is not a front lot line or a rear lot line.

Lot width (nonresidential)

shall mean the width of a lot as measured at the front lot line.

Lot width (residential)

shall mean the width of a lot as measured at the minimum front setback line, parallel to the front lot line.

Lumber yard and building materials

shall mean a facility which principal business is storing and selling cut lumber and associated accessory building materials primarily to contractors.

Luminaire

shall mean a complete lighting system, and includes a lamp or lamps and a fixture.

Machine, sheet metal, or welding shop

shall mean shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used as blacksmith, tinsmith, welding, and sheet metal shops.

Mail services

shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

Major alterations

shall mean any change to the exterior surfaces of a building or part thereof, including but not limited to renovation, rehabilitation, reconstruction, restoration, replacement, or rearrangement of structural parts or elements, or any change that affects the plan configuration of walls, spaces, or bulk of a building.

Mall

shall mean a facility with five or more stores for retail goods and services, which are structurally designed in an integrated fashion around or along both sides of a promenade, walkway, concourse, or courtyard. Primary individual store entrances front onto this promenade. This may include offices and satellite or unattached structures that are served by the mall road network. This definition applies only to a facility in which 85 percent or more of the gross floor area is accessed from enclosed promenades, walkways, concourses, or courtyards.

Manufactured home

shall mean 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. 5401 et seq. As it existed on January 1, 1976.

Manufactured home and mobile home sales and service facility

shall mean a facility for the sale and service of mobile homes, manufactured homes, and travel trailers.

Manufacturing, heavy

the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

Manufacturing, light

the processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

Manufacturing, medium

shall mean the manufacturing of products from processed or unprocessed raw materials, where the finished product is noncombustible and nonexplosive. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users, but is not offensive or obnoxious. Odors produced on-site shall not have a negative effect on other businesses or properties in the area. This use shall include any packaging of the product being manufactured on-site. Examples include but are not limited to the production of the following: glass products made from manufactured glass; clay and pottery products; food and beverages; candy and other confectionery products; computer hardware; products made from rubber, plastic, or resin; converted paper and cardboard products; fabricated metal products made from semifinished metals.

Marina

shall mean a use of land involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as fueling, servicing, pumping-out, chartering, launching, and dry-storage of boats and boating equipment.

Master concept plan

shall mean a site or survey plan which is general in nature and which depicts the intended lot configuration and street layout of a proposed subdivision or development.

Master street plan

shall mean the official master street plan of the City of Fort Smith.

Mausoleum

see cemetery

Maximum seating capacity

shall mean the capacity of a room in terms of the number of persons that may be seated in chairs or at work stations in that room when the chairs or work stations are placed according to building or fire codes or according to acceptable architectural practice.

Medical and diagnostic laboratories

shall mean laboratories that provide analytic or diagnostic services, and other services, such as medical imaging, and forensics.

Medical appliance services

shall mean a medical supplier who provides orthopedic appliances and prosthetic appliances.

Medical laboratory,

shall mean a facility for testing and analyzing problems of public or private health.

Medical/pharmaceutical

see manufacturing, light

Mental health hospital

shall mean a health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

Metallic mining

shall mean industries that develop mine sites and mine metallic minerals, and establishments that dress and beneficiate ore, such as by crushing, grinding, washing, drying, sintering, concentrating, calcining, and leaching. Beneficiating may be performed at mills operated with the mines, or at mills operated separately.

Microbrewery/microwinery/microdistillery

shall mean a small craft brewery which seeks the support of informed beer consumers. It is limited to a maximum gross floor area of 10,000 square feet for the manufacturing

portion of the facility and to production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Miniature golf course

shall mean a theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a *Acup* or *Ahole*, where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

Mini-storage warehouse (climatized)

shall mean a complex of small indoor storage units which are rented or leased and which are arranged to be individually accessible to the lessee or renter.

Mini-storage warehouse (non-climatized)

shall mean a complex of small storage units which are rented or leased and which are arranged to be individually accessible to the lessee or renter.

Mobile food services

shall mean a food service establishment that is a vehicle-mounted food service establishment designed to be readily movable.

Mobile home

shall mean any vehicle or similar portable structure having been constructed with wheels, whether or not such wheels have been removed, and having no foundation other than wheels, jacks or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. A mobile home shall further mean 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. 5401et seq. As it existed on January 1, 1976.

Mobile home lot space

shall mean a plot of ground (lot) within a mobile home park designed for the accommodation of one (1) mobile home.

Mobile home park

shall mean a parcel of land that has been planned and improved for the placement of two or more mobile homes for rental purposes for non-transient use.

Mobile home subdivision

shall mean an area designed and platted for the permanent parking of mobile homes in a predetermined arrangement with parking spaces available for lease or sale to mobile home owners. The facility must provide water, sewer and electric utilities and streets and may provide playgrounds and public use areas.

Modular housing

a dwelling unit constructed on-site in accordance with the [state or municipal] code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Monopole

see tower.

Monument manufacturing

shall mean a manufacturing process which involves the fabrication, carving/lettering and etching of monument signs or memorials.

Monument sales

shall mean a company which sells upright monuments, statues, lawn decorations, gravestone plaques or mausoleum containers, monument signs, benches, and birdbaths to be used in cemeteries as memorials for the deceased, as monument signs to identify businesses or subdivisions, or for residential use in lawn of gardens.

Monument

shall mean a physical structure which marks the location of a corner or other survey point.

Motion pictures and sound recording studios

shall mean establishments that produce and distribute motion pictures and sound recordings.

Motor freight terminals

shall mean a facility for freight loading and freight storage.

Motor vehicle

shall mean any self propelled vehicle designed primarily for the transportation of persons or goods along public streets or alleys or other public ways.

Motorcycle sales and service

see auto and vehicle dealer

Movie theater (indoor)

shall mean a building including a stage or screen for the projection of motion pictures to the public.

Moving and storage

shall mean a facility for warehousing, transferring or keeping of goods.

Moving company

shall mean a company that moves the possessions of a family or business from one site to another.

Multifamily (apartments or condominiums)

a building on a single lot that has three or more attached independent dwelling units.

Multifamily development

a single lot that has three or more independent dwelling units.

Multistoried parking structure

shall mean a parking structure which is designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

Museum

shall mean a building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

Mutual access easement

shall mean a permit or license (easement) from the owner of a tract of real property authorizing the use of a described portion or all of the owned tract of real property for ingress and egress to one or more other tracts of real property (dominant estates) for the mutual benefit of the dominant estates individually or collectively. A mutual access easement in favor of public utility companies shall authorize mutual access and ingress to described public utility facilities in favor of the public utility companies individually or collectively.

Neighborhood store

shall mean a commercial establishment primarily engaged in the provision of frequently or recurrently needed goods for household supplies and hardware. Neighborhood stores shall not include fuel pumps or the selling of fuel for motor vehicles.

New construction

shall mean the construction of a new building or structure that did not previously exist. This includes buildings constructed on sites where a building or structure was previously demolished.

Newspaper printing plant

a commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

Nonconforming

shall mean that which does not meet the requirements of this chapter but which has been in continuous existence for at least seven (7) years.

Nonconforming building

shall mean any building or structure lawfully existing on the effective date of this ordinance, as amended, which does not comply with all of the regulations of this chapter governing parking or bulk and area requirements for the zone in which such building or structure is located.

Nonconforming sign

shall mean any sign which does not meet the requirements of this division.

Nonconforming structure

is a structure which is nonconforming with reference to the bulk and area requirements of the zoning district within which it is located.

Nonconforming use

shall mean a building, structure or use of land lawfully occupied at the time of the effective date of this chapter or amendment thereto, or which was subsequently annexed to the city which does not conform to the use regulations for the zone in which it is situated.

Nonconforming use of land

is a use of real property which does not conform to the permitted uses in the zoning district within which the real property is located and which does not involve the utilization of a structure or as to which the utilization of a structure is incidental.

Nonconforming use of structure

is a nonconforming use with reference to permitted uses of the zoning district within which it is located and which utilizes a structure.

Nondurable goods

establishments that sell or arrange the purchase or sale of nondurable goods to other businesses. These establishments wholesale products, such as paper products, chemicals, drugs, textiles, apparel, footwear, groceries, farm products, petroleum products, alcoholic beverages, books, magazines, newspapers, flowers, and tobacco products. Nondurable goods generally have a life expectancy of less than three years.

Nonmetallic manufacturing and mining

shall mean establishments that transform, mine, dredge and quarry nonmetallic minerals, such as sand, gravel, stone, clay, and refractory materials. Included are establishments that manufacture bricks, concrete blocks, refractory's, glass, cement, concrete, lime, gypsum, abrasives, cut stone, and mineral wool.

Nonprofit organization

shall mean any person(s), partnership, association, corporation, or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

Nuclear power plant

shall mean this comprises establishments operating nuclear electric power generation facilities. These facilities use nuclear power to produce electric energy. Electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems.

Nursery school

shall mean an institution intended primarily for the daytime care of children of preschool age. Even though some instruction may be offered in connection with such

care, the institution shall not be considered a school within the meaning of this chapter.

Nursing home

shall mean a home for the aged or infirm in which three or more persons not of the immediate family are received, kept, or provided with food and shelter, or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnostics and treatment of the sick or injured.

Occupancy

shall mean the use or intended use of land, buildings or structures by proprietors or tenants.

Off-Premise Sign (Outdoor advertising sign)

shall mean a sign which directs the attention of the general public to a business, product, service, or activity not usually conducted upon the premises where such sign is located.

Office and administrative services

shall mean establishments that a). Provide day-to-day office administrative services, such as financial planning, billing, record keeping, personnel employment, and logistics; b). Hold securities (or other equity interests) of companies in order to own a controlling interest or influence management decisions; c). Oversee and administer the establishments of a company often by providing strategic or organizational planning.

Office, corporate

shall mean an establishment primarily engaged in providing internal office administration services as opposed to customer service in a single building or a campus setting; for example, the headquarters, regional offices or the administrative offices for a corporation. Generally the majority of the traffic generated from corporate offices comes from employees and not the general public.

Office, general,

shall mean a place for the regular transaction of business but not to include retail sales, transfer of manufactured goods or storage of commodities.

Office supplies

shall mean establishments that manufacture office supplies with the exception of paper. Examples of products made by these establishments are pens, pencils, felt tip markers, crayons, chalk, pencil sharpeners, staplers, hand operated stamp, modeling clay, inked ribbons.

Office supply store

establishments or places of business engaged in the sale, rental, or repair of office equipment, supplies, and materials.

Oil and gas field equipment, sales and rental yard,

shall mean an open area devoted to the storage of large oil field equipment and the offering of same for sale or rent.

On-premise sign

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.

Open space

shall mean an area included in any side, rear or front yard or any unoccupied space on a lot that is open and unobstructed to the sky except as provided by this chapter.

Optical shop

shall mean a facility for a dealer in optical items for correcting vision.

Orphanage

shall mean an institution for the care and protection of children without parents or homeless children.

Outdoor lighting

shall mean the night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Outdoor temporary sales

shall mean open sales lots established for temporary periods of sale of seasonal commodities. Sales outdoor, temporary, shall be subject to a permit issued by the Director for a specific period of time, not to exceed 120 days.

Owner

shall mean any person, firm, corporation, or other legal entity having title or legally recognized interest in the land or property.

Packaging and distribution center

shall mean a use where goods are received and/or stored for delivery to the consumer at remote locations

Paper and printing materials

shall mean businesses which manufacture paper and offer printing-related products. Paper manufacturers make pulp, paper, or converted paper products (e.g. paper bags). Printing establishments print products (e.g. newspapers, books, periodicals, and greeting cards) and perform support activities, such as bookbinding, plate making services, and data imaging.

Parapet

shall mean a false front or wall extension above the roof line.

Parent parcel

shall mean the original lot.

Park or playground

any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking garage

shall mean an area or structure devoted to the parking or storage of motor vehicles.

Parking lot

shall mean a parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

Parking lot, commercial,

shall mean an area devoted to the parking or storage of motor vehicles for a fee.

Parking lot, off site,

shall mean off-site parking spaces which are not located on the same lot or tract occupied by the main use, but which are within three hundred (300) feet of such lot or tract.

Parking space, off-street,

shall mean a space for the parking of a motor vehicle within a parking lot and having a permanent means of access to a street right-of-way or publicly dedicated alley without requiring passage through another parking space.

Pawn shop

shall mean a facility for loaning money on the security of personal property; unclaimed property may be sold on the premises.

Pawn shop (no outside storage)

shall mean a facility for loaning money on the security of personal property; unclaimed property may be sold on the premises; however, outside display or storage of unclaimed property or other inventory is expressly prohibited.

Performance theater (indoor or outdoor)

shall mean a facility that includes a stage for presenting live theatrical performances to the public.

Perimeter landscaping

shall mean landscaping provided along the street and exterior boundaries of a site.

Perimeter street

shall mean any street to which the parcel of land to be subdivided or developed abuts on only one (1) side.

Pet cemetery

shall mean a parcel of land, buildings, and/or structures used for the interring of animal remains.

Pet shop

shall mean a facility for the display and sale of small animals, dogs, cats, fish and birds without involving commercial boarding or treating of any animal, fish or bird.

Pet supply store

shall mean stores which retail pets, pet foods, and other pet supplies.

Petitioned property

shall mean the area of real property which is the subject of an application submitted pursuant to the UDO.

Petroleum and coal products

shall mean businesses which manufacture petroleum and coal products by transforming crude petroleum and coal into usable products. The dominant process is petroleum refinement: the separation of crude petroleum into component products through techniques such as cracking and distillation.

Petroleum distribution facility

shall mean a facility for the storage of fuels or other volatile products and for their distribution to retail sales facilities or other bulk purchasers, regardless of ownership.

Pharmaceutical manufacturing

see manufacturing, light.

Pharmacy or drug store

shall mean a facility for preparing, preserving, compounding and dispensing of drugs and medicines.

Photocopy shop

a facility for the reproduction and copying of printed material or drawings. This does not include sign shops, printing establishments, or similar large-scale operations.

Photography studio

shall mean a facility for taking and processing photographs, not a bulk processing plant.

Pipeline transportation

establishments in pipeline transportation use transmission pipelines to transport products, such as crude oil, natural gas, refined petroleum products, and slurry.

Pistol Range (indoor)

shall mean an indoor facility designed and constructed for the practice and teaching of marksmanship with handguns.

Planned zoning district

shall mean a zoning district that allows for comprehensively planned developments for either single use or mixed use and permits development and zoning review as a simultaneous process.

Planning commission

shall mean the Planning Commission of the City of Fort Smith, Arkansas.

Plat, final

shall mean a map, plan or record of a subdivision or development suitable for filing of record delineating lot lines, easements and right-of-way widths and locations with necessary affidavits, dedications and acceptances as required in these regulations.

Plat, preliminary

shall mean maps and other drawings of a proposed subdivision or land development that show the existing character of the land and the preliminary development plan including the expected location of streets, water and sanitary sewer lines, drainage and other proposed facilities.

Plumbing, electrical, air-conditioning, sewer line, and heating shops

see contractor's shop.

Police station

shall mean protection centers operated by a governmental agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles; excluding, however, correctional institutions.

Police substation (no incarceration)

shall mean a subordinate or subsidiary station; a police station serving a particular area.

Pool hall

shall mean a principal use billiard facility open to the general public, and which could sell and serve beverages and/or drinks on the premises.

Port facility

A facility for the docking, loading or unloading of ships, barges, or boats that primarily transport goods. Ports often include warehousing of goods awaiting transport.

Portable sign

shall mean a business sign that does not exceed forty (40) square feet in area, can be moved from place to place and is not permanently affixed to the ground or to a building (excluding real estate and construction signs). Any sign that is over forty (40) square feet shall, for purposes of this ordinance, be considered a business sign or an outdoor advertising sign.

Portable Storage Units

shall mean transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis.

Preschool

a school for children primarily between the ages of three and five, providing preparation for elementary school.

Primary and secondary school

a public, private, or parochial school offering instruction at the elementary, junior high, or high school level (K-12) in the branches of learning and study required to be taught in schools within the state.

Principal use

shall mean the use which fulfills the primary function of an establishment, institution, household and other entity.

Print shop

A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses.

Printing (commercial/industrial)

shall mean a commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic and screen process printing.

Private Access Easement

shall mean any private easement for the purpose of ingress and egress that is not dedicated to the public and that is owned by the underlying owners of land over which it crosses.

Private club

shall mean a facility where food, beverage, entertainment and meeting space is provided to specific membership only.

Private street

shall mean any right-of-way or area set aside to provide vehicular access within a development that is not dedicated or intended to be dedicated to the city and that is not maintained by the city.

Professional Services

A business, primarily conducted in an office, which offers any service to the public by a licensed professional such as physicians, massage, occupational, or physical therapists, counselors, architects, engineers, lawyers, accountants, etc.

Property management services

shall mean business establishments that manage real property for others.

Public shop or yard of local, state or federal agency

shall mean a facility such as office buildings, maintenance yards and shops required by branches of local, state or federal agencies for service to an area, such as highway department yard, city service center, experiment station, municipal or county jail or courts.

Public notice

shall mean in reference to a legal ad or public notice: Meaning a newspaper of general circulation within the City of Fort Smith, Arkansas.

Queuing space

shall mean a temporary waiting area for motor vehicles obtaining a service or other activity.

Race track

shall mean a facility consisting of a paved or unpaved roadway used primarily for the sport of racing animals or machines. A racetrack may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities.

Radio, television or microwave broadcasting tower

see tower.

Rail transportation

shall mean the occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, and passenger and freight terminals.

Real estate agency

see professional services

Reconstruction

shall mean the repair or replacement of a building or structure that has been damaged or destroyed.

Rectory

shall mean a residential building designated by a church to be used by the clergy of that church. A rectory is often located on or adjacent to the primary church property but such location is not required. The rectory may include such facilities as counseling rooms and private meeting rooms as well as general residential facilities but these uses are secondary to the primary use as a residential structure.

Recycling center

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.

Recycling collection station

shall mean a use that serves a neighborhood drop off point for temporary storage of recyclable materials.

Refinery

shall mean an industrial plant that uses mechanical and chemical means to purify a substance, such as petroleum, chemicals, or sugar, or to convert it to a form that is more useful.

Religious Institution

shall mean a building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, recreational or other uses not normally associated with worship. Includes churches, chapels, cathedrals, mosques, synagogues, temples, and similar designations.

Research and development services

a service that engages in research, or research and development, of innovative ideas in technology-intensive fields.

Restaurant

shall mean an establishment serving food or beverage to the general public in specific, designated dining areas where food is not served to persons by means of a drive-through window.

Restaurant (with drive-in service)

shall mean an establishment designed and constructed to serve food for consumption on the premises in an automobile, which establishment may or may not have on the premises a dining room or service counter.

Restaurant (with drive-through service)

shall mean an establishment serving food to the general public having designated dining areas as well as a drive-through service window.

Restaurant (with outdoor dining)

shall mean an establishment serving food to the general public having a designated dining area as well as a porch, deck, or other area of land used for seated dining only which is not within the interior building walls of a restaurant or eatery that may include music.

Restaurant (with outdoor dining within 300 feet of property zoned or developed for residential purposes)

shall mean an establishment serving food to the general public having a designated dining area as well as a porch, deck, or other area of land used for seated dining

only which is not within the interior building walls of a restaurant or eatery that may include music and does not exceed 50% of the number of seats indoors.

Retirement housing

these establishments offer minimal convenience services but focus on attracting elderly residents so as to provide a social support system among the residents.

Rhythm (architecture)

shall mean any kind of movement characterized by the regular occurrence of elements, lines, shapes, and forms.

Right-Of-Way, Public,

shall mean an area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the county or the state for public use.

Rooming or boarding house

shall mean a building other than a hotel or motel, arranged and used for the lodging, with or without meals, for compensation of more than three (3) persons exclusive of the operating person or family, pursuant to previous arrangements.

Row house

shall mean two or more attached dwelling units located on separate lots that are separated by fire walls at a common property line.

Salon/spa services

shall mean establishments that provide health and beauty treatments for customers such as massage, aroma therapy, exercise facilities, steam/sauna facilities, hair salons.

Salvage yard

shall mean 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 or discarded automobiles, automobile parts, machinery or appliances.

Sand, gravel, stone or earth sale and storage facility

shall mean a facility for storing and marketing sand, gravel, stone and earth.

Sanitary landfill (public or private)

shall mean a site for the accumulation and disposal of refuse or other discarded materials. This use shall not be construed to be a junk or salvage yard.

Sawmill

shall mean a facility having power driven machinery for the purpose of sawing logs and including accessory facilities for the drying and storage of wood materials or by-products.

Scale

shall mean the relative size, dimension, degree or proportion of parts of a building to one another or group of buildings.

School, business professional,

shall mean a business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including trade schools.

School, public or private,

shall mean a school under the sponsorship of a public or religious agency having a curriculum generally equivalent to a public elementary or secondary school, but not including trade or commercial schools.

School, trade or technical,

shall mean a business organized to operate for a profit and offering instruction and training in a trade such as welding, electrical, plumbing, truck driving, machinery operation and similar trades.

Screen fence

shall mean an opaque manmade barrier constructed to provide separation, privacy and/or visual separation between one (1) ownership and another, regardless of whether the fence is constructed on a property line. An opaque screen or opaque screening fence, shall not be constructed, in whole or part, of corrugated metal, sheet iron, chain link stripping or salvaged vehicle or machinery parts. (See Ordinance 6-95)

Seasonal Use

shall mean a specific type of temporary use that reoccurs each year for a definite period of time and which occupies the same location and configuration.

Senior citizens center

shall mean a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

Setback

the minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Sexually oriented business

see section 14-141 of the Fort Smith Municipal Code.

Sewing machine store (sales and service)

a business establishment engaged in the business of selling and repairing sewing machines.

Shelter for abused persons

shall mean a facility for providing a protective sanctuary for a person physically or mentally abused by family or other persons.

Shoe repair shop

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.

Shopping center

shall mean a grouping of retail business and service uses on a single site with common parking facilities.

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 (business park/retail center)

shall mean a sign that directs the attention of the general public to businesses in a business park/retail center located on a multi-lot or single lot parcel.

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

Shall mean a dwelling unit on a single lot containing one dwelling unit that is not attached to another dwelling unit.

Site

shall mean a single holding which consists of a lot, tract, parcel or acreage not divided in any manner by a public right-of-way including a street or alley but not including easements.

Site plan

shall mean a drawing, to scale, that illustrates the development of a property including, but not limited to, property lines, streets and street rights-of-way, building foot-prints, driveways, loading areas, parking, utilities, easements, signs and landscaping.

Site plan (certified)

shall mean a site plan containing a written statement regarding accuracy or conformity to specified standards and bearing the seal or stamp of the professional engineer or architect under whose supervision the site plan was prepared. A survey, from a licensed professional surveyor, that incorporates all of the requirements of a site plan is acceptable for existing developments and when no site improvements are being proposed.

Site plan review

shall mean the process whereby the planning commission and the city staff review the site plans and maps of a developer to assure that they meet the purposes and standards of this chapter.

Skating rink

shall mean an establishment that provides facilities for participant skating.

Sloped parapets

shall mean angled false front or wall extension above the roof line.

Small engine repair

shall mean establishments that provide maintenance and repair of low-power internal combustion engines or electric engines. Equipment repaired includes but not limited to chain saws, string trimmers, leaf blowers, snow blowers, lawn mowers, wood chippers, and go-karts.

Social assistance, welfare, and charitable services

shall mean establishments that provide social assistance services directly to individuals. They do not offer residential or accommodation services.

Solid waste collection

shall mean establishments that (1) collect or haul hazardous waste, nonhazardous waste, or recyclable materials within a local area; and (2) operate hazardous or nonhazardous waste transfer stations. Waste collection establishments may be responsible for the identification, treatment, packaging, and labeling of wastes for the purposes of transport.

Specialty Food Market

Shall mean establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies and hardware. These shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

Specialty Manufacturing

shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 s.f. of gross floor area and shall be operated only within a fully enclosed structure.

Sports complex or athletic field

shall mean a large open or enclosed space used for games or major events which may be surrounded by tiers of seats for spectators.

Sporting goods stores

shall mean establishments primarily engaged in the retailing of new sporting goods, including bicycles and bicycle parts, camping equipment, fishing and hunting equipment, exercise and fitness equipment, athletic uniforms, athletic apparel for men, women and children, specialty sports footwear and other sporting goods, equipment and accessories.

Stable, private,

shall mean a private accessory building for quartering horses.

Stockyard

shall mean services involving the temporary keeping of livestock for slaughter, market, or shipping.

Stormwater retention basin or pumping station

shall mean a reservoir, lake, pond or area designated for temporary storage of surface water during periods of heavy run-off together with any pumping facilities, tanks, gates or similar structures related to drainage operations.

Story

shall mean that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street

shall mean a public maintained right-of-way, other than an alley, which affords a primary means of access to property.

Street frontage

shall mean the distance along a property line that is also the right-of-way line of a public street. It is measured between side lot lines along the front lot line.

Street, limited access

a street which allows only indirect access to abutting properties primarily by distributing traffic to intersecting lesser volume streets or some other means as needed to allow for efficient local circulation.

Street, standard

shall mean any existing street whose right-of-way meets the design requirements of the Master Street Plan or the minimum street standards, whichever is greater.

Structural alterations

shall mean any external or internal change in either the supporting members of a building such as a bearing wall, column, beam or girder or in the dimension or configuration of the roof or exterior wall.

Structure

shall mean a combination of material to form a construction that is safe and stable. The term structure shall be construed as if followed by the words "or part thereof."

Studio of the arts, private,

shall mean a working place for one engaged in artistic painting, sculpture, or other individual artistic endeavor.

Subdivider

shall mean any person who has an interest in the land and causes it, directly or indirectly, to be divided into a subdivision.

Subdivision

shall mean the division of or the assimilation of one (1) or more parcels of land into two (2) or more parcels resulting in the need for access and utilities. "Subdivision" also includes the development of land resulting in the need for access to lots and parcels, the need to provide or extend utilities, the need to improve adjacent infrastructure due to insufficient existing capacity and the added demand resulting from proposed development.

Substance abuse treatment facility

shall mean a facility for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use or addiction.

Substance abuse treatment facility (outpatient)

shall mean a facility for the purposes of temporary or long-term outpatient treatment of victims of alcohol or drug use or addiction.

Substandard street

shall mean any existing street whose right-of-way does not meet the designated requirements of the master street plan or the minimum street standards, whichever is greater.

Substantial progress

shall mean the obtaining of a building permit and the actual completion of at least fifty (50) percent of the repairs authorized by the permit.

Swimming pool

shall mean a water related recreational facility designed and intended for access by the public. Pools that are part of a country club, health club, hotels and motels or similar uses are accessory to the principal use.

Swimming pool sales and supplies store (without storage yard)

shall mean a facility for display and retail sales of swimming pools, related supplies and service.

Swimming pools, public

shall mean any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels, and other similar uses.

Tailor shop

shall mean a shop to alter, repair, fabricate or fashion garments.

Tanning salons

shall mean any business that uses artificial lighting systems to produce a tan on an individual's body.

Tanning, slaughtering, rendering of animals or fowl plants

shall mean a facility in which the tanning, rendering, slaughtering or butchering of animals is conducted. This use must be completely enclosed, except for live animal holding pens which shall meet all setback requirements.

Tattoo/body piercing parlor

shall mean an establishment whose principal business activity, either in terms of operations or as held out to the public, is the practice of one or more of the following: (1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Taxicab service

shall mean a service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or vans.

Taxidermy shop

shall mean a facility for preparing, stuffing and mounting the skins of animals, birds or fish.

Telecommunications and broadcasting studio

shall mean a facility for broadcasting live or prerecorded programs by radio or television or recording of records, tapes, videotapes or other recording media. Such facility may perform activities necessary for recording, programming and receiving of radio and television signals. Such facility shall not engage in mass production.

Telemarketer/call center

Shall mean a central office place where agents or operators man banks of telephones to either make outgoing, or field incoming, telephone calls for a large company or organization.

Temporary Use

a use of land that is short term in nature and that does not involve the erection of a permanent structure or other permanent commitment of the land.

Textiles

establishments that transform natural or synthetic fiber into products (such as yarn or fabric) to be further manufactured into textile products;

Thrift store

shall mean an establishment primarily engaged in the sale of used clothing and/or household goods. This classification does not include antique shops.

Tire retreading

See Manufacturing Heavy

Tire sales

shall mean a facility where the principal business is the sale or installation of new, used, or retreaded tires and tubes.

Tire sales (indoor)

shall mean a facility used for the display and sales of used or new tires. All sales, service, storage, and display areas shall be indoors. Service and storage areas shall be incidental and subordinate to the primary use of sales and display..

Tobacco manufacturing

shall mean establishments that are either: redry and stem tobacco; or that manufacture cigarettes, cigars, or other tobacco products.

Tobacco retailers

shall mean a tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

Tower***Amateur radio tower***

a freestanding building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license issued by the Federal Communications Commission

Commercial communication tower

shall mean a structure that supports telecommunications antenna operated for a commercial purpose.

Monopole

shall mean a freestanding structure designed to support a wireless telecommunications antenna(e) or antenna platform(s), and consisting of a single vertical pole driven into the ground and/or attached to a foundation.

Radio, television, microwave, and broadcasting

shall mean structures supporting antenna for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television.

Toy store

these establishments sell games (including electronic), toys, dolls, and musical instruments.

Tract, unplatted

shall mean property that is the subject of a development or subdivision application or, a property contiguous to a street or right-of-way.

Traditional neighborhood development

a development that exhibits several of the following characteristics: alleys, streets laid out like in a grid system, buildings oriented to the street, pedestrian-orientation, compatible and mixed land uses.

Transit Stops

shall mean locations operated or contracted with the City transit department and on, or adjacent to a public right of way

Transitional dwelling

shall mean a residential facility where persons are aided in the readjustment to society following a period of imprisonment or institutionalized treatment.

Travel arrangement and reservation services

shall mean establishments that promote or sell travel, tour, or accommodation services, such as providing maps and information, locating convention sites, arranging reservations, organizing group tours, etc.

Triplex

shall mean a building on a single lot that has three attached independent dwelling units.

Truck or tractor sales and service facility

shall mean a facility for the sale and repair of trucks, tractors, or similar motorized vehicles.

Truck stop/ travel plaza

shall mean an establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks, semi=s or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for use of truck crews.

Unified development ordinance

shall mean the land development document that includes subdivision, site planning, land use and zoning controls.

Use

shall mean a purpose to which land, structures or buildings are committed.

Utility department

shall mean the department of the City of Fort Smith assigned to the duties of public water and sewer design, installation and maintenance.

Utility shop, storage yard or building

shall mean a building and/or land used by a utility for the storage of poles, pipes, equipment, and materials for maintenance and administration of the utility services.

Utility substation

shall mean a station which is subsidiary to a central station and at which a utility from the central station is converted or passed on to another area.

Variance

shall mean a relaxation of a restriction of this chapter, granted by the board of zoning adjustment, where by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations, conditions or circumstance of a particular property, the literal enforcement of the code restriction, would result in unnecessary hardship.

Vehicle Storage Yard

shall mean the keeping outside of one or more motor vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles for more than 72 consecutive hours. The term vehicle storage yard does not include auto impoundment/salvage yard.

Vending

shall mean a service for the maintaining and supplying of vending machines for candy and other small foodstuffs, novelties, pamphlets and cigarettes but not including beverages.

Vested rights

shall mean the right to undertake and complete the development and use of property. A right that has been established and cannot be revoked by subsequent conditions or changes in law without due process.

Veterinary clinics (no outdoor kennels)

shall mean businesses with licensed practitioners of veterinary medicine, dentistry, or surgery for animals; also included are businesses that provide testing services for licensed veterinary practitioners.

Veterinary clinic (with outdoor kennels)

shall mean in addition to indoor clinics, also provides outside pens or kennels for larger animals.

Video, music, and software (rental and leasing)

shall mean an establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMS, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMS, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses.

Vocational rehabilitation

shall mean establishments that provide job counseling, job training, and other vocational services.

Warehouse

use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Wastewater treatment plant

shall mean a facility for the systematic collection and treatment and dispersal of water and wastewater materials.

Wedding Chapel

shall mean a facility which is made available to be rented principally for wedding ceremonies and may include a chapel, dressing rooms, offices, reception facilities and gardens.

Weight loss centers

shall mean diet or nutrition center designed to assist persons in weight control through a combination of diet and exercise. Centers offer a combination of counseling, nutrition, and exercise measures to assist customers with weight loss and control.

Wood products manufacturing plant

shall mean a facility which cuts, trims, planes or otherwise finishes wood products on an industrial scale.

Xeriscape

shall mean a method of landscaping which maximizes the conservation of water by utilizing low water usage plants and an efficient watering system.

Yard

shall mean an open space other than a court, on the lot of which a building is situated and which is not obstructed from a point twelve (12) inches above the general ground level of the graded lot to the sky, except as provided by this chapter.

Yard, front,

shall mean the required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the nearest point of the exterior face of any building or structure.

Yard, rear,

shall mean the required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the rear lot line and the nearest point of the exterior face of any building or structure.

Yard, side,

shall mean the required area of open space between any building or structure and side lot line, extending from the front yard to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the exterior face of any building or structure.

Zero lot line dwelling unit

shall mean a detached single family unit distinguished by the location of only one side exterior wall on a side property line. A building constructed with both side exterior walls on the property lines is a row house.

Zone or zoning district

shall mean a section of the city designated in this chapter in which requirements for the use of land and buildings and development standards are prescribed.

Zone boundaries

shall mean that boundary line which separates unlike zoning districts.

Zoning by classification

shall mean a proposed zoning district that is not adjacent to a boundary line of the same zoning district that is proposed.

Zoning by extension

shall mean a proposed zoning district that is adjacent to a boundary line of the same zoning district that is proposed.

Zoo

shall mean a facility housing and displaying live animals, reptiles and birds.

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