

ORDINANCE NO. 42-24

**AN ORDINANCE AMENDING THE 2019 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

WHEREAS, the Board of Directors passed and approved Ordinance No. 87-19 which adopted the Unified Development Ordinance on October 15, 2019, and,

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

WHEREAS, the Planning Commission held a public hearing regarding the amendment and recommended on April 9, 2024, that changes be made; and,

WHEREAS, three (3) copies of the April 2024 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

WHEREAS, the April 2024 Amendments to the Unified Development Ordinance includes amendments to screening requirements and an Appendix A.

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

SECTION 1: The April 2024 Amendments to the Unified Development Ordinance are hereby adopted.

SECTION 2: The codifier shall codify the adopted amendments by amending existing sections and by adding new sections of the UDO.

SECTION 3: It is hereby found and determined that the adoption of the amendments to the Unified Development Ordinance are necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendments are hereby made effective, as of date of approval of the Ordinance.

PASSED AND APPROVED THIS 7th DAY OF May, 2024.

ATTEST:



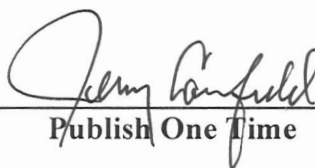
City Clerk

APPROVED:



Mayor

Approved as to form:

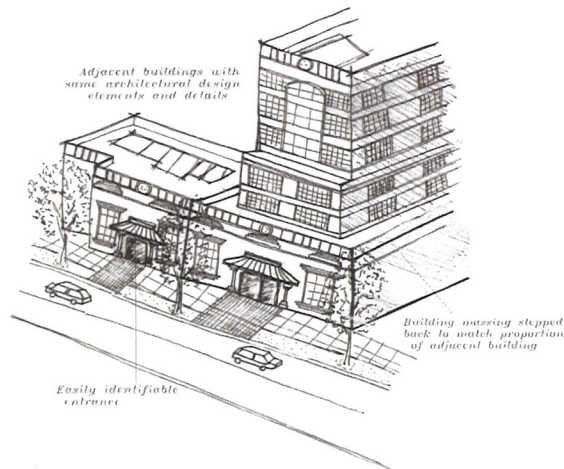


Publish One Time

as amended

APRIL 2024 AMENDMENTS TO
THE UNIFIED DEVELOPMENT
ORDINANCES

7. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry.
8. A permanent opaque six-foot screening fence, wall or landscape buffer shall be provided along any side or rear property line adjacent to property zoned **or developed** for residential purposes including alleys.



Building Element Sketch - Examples

9. Linear or strip development is discouraged, including linear open air centers.
 10. Pad sites shall be clustered together to define street edges and entry points or to enclose and create interesting places between buildings, such as public outdoor seating, landscaped areas, or other focal points.
 11. Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development.
 12. Shared parking agreements between adjacent or closely related developments are strongly encouraged.
- D. Multifamily Building Standards.** The following standards shall apply to multifamily (3 or more units) development, including row house developments:

1. Pedestrian entry to the site from the fronting street shall be emphasized through landscaping, lighting special paving, gateways, arbors, and/or other similar features.
2. Long, linear, and/or hidden stairways or corridors shall be avoided.
3. Covered entrances (i.e, awnings or canopies) shall be provided as protection from bad weather and as a transition from indoor to outdoor.
6. All trash receptacles shall be completely screened with a permanent opaque screen fence. Individual trash receptacles provided by the Fort Smith Sanitation Department shall not be required to be screened.
7. Outdoor lighting shall comply with Section 27-602-5.
8. A permanent opaque six-foot screening fence, wall or landscape buffer shall be provided along any side or rear property line adjacent to property developed or zoned single family including alleys.

E. Industrial Building Standards The following standards shall apply to industrial, storage and distribution buildings when constructed along major arterial or boulevard streets as classified by the master street plan, or adjacent to residential districts, and/or those buildings at the perimeter of an industrial subdivision. 1. Each primary entrance for employees or visitors that faces a public street should be emphasized through the use of differing colors or materials, arches, arcades or other architectural treatments.

2. All front facades of primary structures, all facades that face a public right-of-way, and all sidewall facades within forty (40) feet of the front façade, shall be made of masonry (brick, stone and/or stucco), tilt-up concrete panels (textured or untextured), wood, native stone, tinted glass, exterior insulated finished systems (EIFS), cementitious siding (e.g., Hardie Board), or other siding materials as approved by the Director.
3. Facades of the primary structure should incorporate architectural relief through the use of at least two of the following tools: reveals, visible joint patterns, projected sills, belt courses, repeating brick header and stretcher courses, or differing colors and textures.
4. All primary structures with roofs with a pitch of less than 2:12 shall be screened by a parapet wall or fascia.
5. All trash receptacles shall be screened with a permanent opaque screening fence.
6. Outdoor lighting shall comply with Section 27-602-5.

7. Screening Requirements.

a. Industrial-1 (I-1):

1. Areas used for outdoor storage or display shall be maintained so that excessive dust, fumes or odors will not be produced by continued use.
2. Buffering, landscape, and fence screening shall be required when abutting residentially zoned or developed properties. The minimum buffering requirements shall consist of a six-foot high screen fence, landscaping (trees, shrubs, and groundcover,) or a berm. All buffer areas shall be a minimum of ten (10) feet in width. The Planning and Zoning Department shall approve location, size, plant species, and number. The buffering shall be in addition to minimum open space requirements.
3. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry

b. Industrial-2 (I-2):

1. Outdoor storage of equipment materials or merchandise not actively offered for sale shall be surrounded by a sight-proof screen which restricts their view from the public.
2. Areas used for outdoor storage or display shall be maintained so that excessive dust, fumes or odors will not be produced by continued use.
3. Buffering, landscape, and fence screening shall be required when abutting residentially zoned or developed properties. The minimum buffering requirements shall consist of a six-foot high screen fence, landscaping (trees, shrubs, and groundcover,) or a berm. All buffer areas shall be a minimum of ten (10) feet in width. The Planning and Zoning Department shall approve location, size, plant species, and number. The buffering shall be in addition to minimum open space requirements.

4. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry.

c. Industrial-3 (I-3):

All permitted uses shall conform to the following specific regulations as well as the bulk and area regulations of this zone.

1. All such uses shall be completely enclosed by an eight-foot high opaque screen. Alternate fencing materials may be substituted for an opaque fence on the rear and side of the site when the use abuts an I-3 zone and the portion may not be seen from a public street or road. The determination shall be made by the building official.
2. Fences adjacent to street rights-of-way shall be erected under the following guidelines:
 - a. Entrances to fenced areas which are adjacent to arterial or collector streets, where an entrance is provided from such street, must be setback sixty (60) feet from such right-of-way.
 - b. Fences adjacent to local, collector or arterial streets where no entrance is provided from such street may be located on the property line adjacent to such right-of-way.
 - c. No fence or screening device shall be erected so as to obstruct the vision of motorists at alley, street or driveway intersections.
 - d. The storage or display of goods or merchandise outside the confines of the fenced area is expressly prohibited.
 - e. No junk, parts, disabled autos or salvage material of any kind shall be stored outside or above the fence.
3. The burning of wrecked or discarded automobiles or any parts thereof is prohibited.

4. All signage shall meet Section 27-704, however, in no case shall any provisions of this chapter be interpreted to permit the use of discarded, disabled, or wrecked automobiles, trucks, equipment, appliances, or parts to be used for advertising or identification purposes.
5. Whenever an owner or representative of a nonconforming use under this section applies for and is granted I-3, heavy industrial zoning, he shall have a period not to exceed six (6) months to bring the use into complete conformity with the provisions of this section.
6. All areas unoccupied by buildings, parking lots or used as traffic ways shall be maintained in a safe and orderly condition.
7. Areas used for outdoor storage or display shall be maintained so that excessive dust, fumes or odors will not be produced by continued use.
8. Buffering, landscape, and fence screening shall be required when abutting residentially zoned **or developed** properties. The minimum buffering requirements shall consist of a six-foot high screen fence, landscaping (trees, shrubs, and groundcover,) or a berm. All buffer areas shall be a minimum of ten (10) feet in width. The Planning and Zoning Department shall approve location, size, plant species, and number. The buffering shall be in addition to minimum open space requirements.
9. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry.

27-602-5 Commercial and Outdoor Lighting

A. Purpose. The City of Fort Smith finds that the regulation of outdoor lighting is necessary to prevent misdirected or excessive artificial light caused by inappropriate or misaligned light fixtures that produce glare, light trespass

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.

Displaced Youth Housing

shall mean a place offering housing and resources for displaced youth.

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

**Displaced Youth Housing Amendment
as amended**

Fort Smith Use Matrix								J	K	L	M	N	O	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	U	W	X	Y	AB	Z	AC	AD	AE	AF								
Districts								MEOS	RE3	RE1	RS-1	RS-2	RS-3	RS-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3							
DP = Development Plan review by the PC and approval by the City Board																																									
P = Permitted Use, C = Conditional Use, A = Accessory Use																																									
<i>Size or density restrictions for any use may be noted in the district</i>																																									
Residence or Accommodation																																									
Private Household																																									
Structure	Single Family building																																								
	Accessory residential dwelling unit							P																																	
	Detached							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
	Duplex							P																																	
	Guest house							P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
	Manufactured home																									P															
	Mobile home park																																								
	Mobile home subdivision																																								
	Row house							P																																	
	Zero lot line dwelling unit							P																																	
	Multifamily development								P																																
	Community residential facility							P																																	
	Group home, family								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Group home, neighborhood																																								
Homeless shelter																																									
Displaced Youth Housing																																									
Orphanage																																									
Transitional dwelling																																									
Housing for the Elderly																																									
Assisted living							P																																		
Retirement housing							P																																		
Hotels, Motels, or other Accommodations																																									
Bed and breakfast inn							P																																		
Dormitory, sorority, fraternity							P																																		
Hotel/motel							P																																		
Rooming or boarding house																																									
General Sales or Services																																									
Automobile Sales or Service																																									
Auto & vehicle impoundment or holding yard (no salvage)																																									
Auto and vehicle dealer							P																																		
Auto and vehicle dealer (indoors)							P																																		
Auto and vehicle towing (wrecker)							P																																		
Auto auction																																									
Auto body shop and paint (new parts)							P																																		
Auto detailing service							P																																		
Auto glass, muffler, and seatcover shop							P																																		
Auto parts and accessories sales							P																																		
Auto quick lube							P																																		