

ORDINANCE NO. 56-24**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 May 14 2024, that changes not be made; and,

WHEREAS, three (3) copies of the June 2024 Military Compatibility Area Overlay District Amendment 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 June 2024 Military Compatibility Area Overlay District Amendment to the Unified Development Ordinance includes amendments in response to the new military mission,

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

SECTION 1: The June 2024 Military Compatibility Area Overlay District Amendment to the Unified Development Ordinance is hereby adopted.

SECTION 2: The codifier shall codify the adopted amendment 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 amendment to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendment be effective, and the amendment is hereby made effective, as of date of approval of the Ordinance.

PASSED AND APPROVED THIS 18th DAY OF June, 2024.

ATTEST:



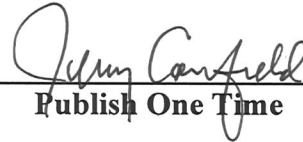
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

City of Fort Smith

Military Compatibility Area Overlay District

SECTION 1 - MILITARY COMPATIBILITY AREA OVERLAY DISTRICT (MCAOD)

- 1.01 Purpose and Intent
- 1.02 Applicability
- 1.03 Exemptions
- 1.04 Relationship of MCAOD to Underlying Zoning
- 1.05 Conflicting Provisions
- 1.06 Establishment - MCAOD and MCA Boundaries
- 1.07 Lighting MCA
- 1.08 Noise MCA
- 1.09 Security MCA
- 1.10 Definitions

1.01 PURPOSE AND INTENT

The Military Compatibility Area Overlay District (MCAOD) implements compatibility policies and codifies regulations to protect the public health, safety, and welfare of the community and preserve and maintain existing and future operational capabilities of the Fort Smith Regional Airport/Ebbing Air National Guard Base (ANGB).

1.02 APPLICABILITY

This Section establishes regulations applicable to all land within the Military Compatibility Overlay District (MCAOD) boundary, as adopted and depicted on the official Zoning Map for the City of Fort Smith. For any parcel that is partially within a Military Compatibility Area (MCA) of the MCAOD, the requirements of the MCA shall apply to the entire parcel. For any parcel that is within more than one subarea within an MCA, the entire parcel shall adhere to the requirements of the most restrictive subarea of that MCA.

1.03 EXEMPTIONS

The following uses are exempt from the MCAOD regulations of this Section:

- A. Agricultural Use.** The regulations of this Section shall not regulate any operational aspect of an existing or future agricultural use, including without limitation the cultivation and harvesting of crops, land management activities (clearing, spraying, and trimming), livestock management, or use and application of water. Expansion of existing structures and construction of new structures that are accessory to agricultural uses are subject to the regulations of this Section.
- B. Existing Structures.** The regulations of this Section shall not restrict or limit the use of legally established, existing land uses and structures as of the effective date of this Section.

1.04 RELATIONSHIP OF MCAOD TO UNDERLYING ZONING

The MCAOD is a zoning overlay with underlying zoning restrictions in place and in effect. The MCAOD permits only land uses authorized by the underlying zoning. The MCAOD does not, in any case, authorize land use of a greater density and/or intensity than authorized by the

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underlying zoning. The MCAOD regulations established herein supplement, modify, and, where indicated, supersede the regulations of the underlying zoning. All definitions, references, requirements, and other land use controls not specifically defined or modified by the regulations of this Section shall conform to provisions of the Unified Development Ordinance (UDO) applicable to the underlying zoning.

1.05 CONFLICTING PROVISIONS

The general provisions, zoning regulations, and all other development standards established within all other Sections of the UDO are applicable within the MCAOD to the extent the regulations of this Section establish less restrictive standards covering the same subject matter. Whenever a provision of the UDO contains a specific standard(s) covering the same subject matter as this Section, the more restrictive standards(s) of the two shall control.

1.06 ESTABLISHMENT – MCAOD AND MCA BOUNDARIES

The boundary of the MCAOD is the combined geospatial areas of the three (3) and component parts – Military Compatibility Areas (MCA) identified below. The MCAOD and the three (3) MCAs are hereby established as depicted on Figures 1, 2, 3, and 4.

MCAOD

The MCAOD is the combined geospatial area of the three (3) MCAs and the Runway Buffer. The boundary of the MCAOD and the three (3) MCAs are depicted on the City of Fort Smith MCAOD Overlay map Figure 1.

Lighting MCA

The Lighting MCA addresses nighttime lighting within the Runway Buffer. The boundary of the Lighting MCA is depicted on Figure 2.

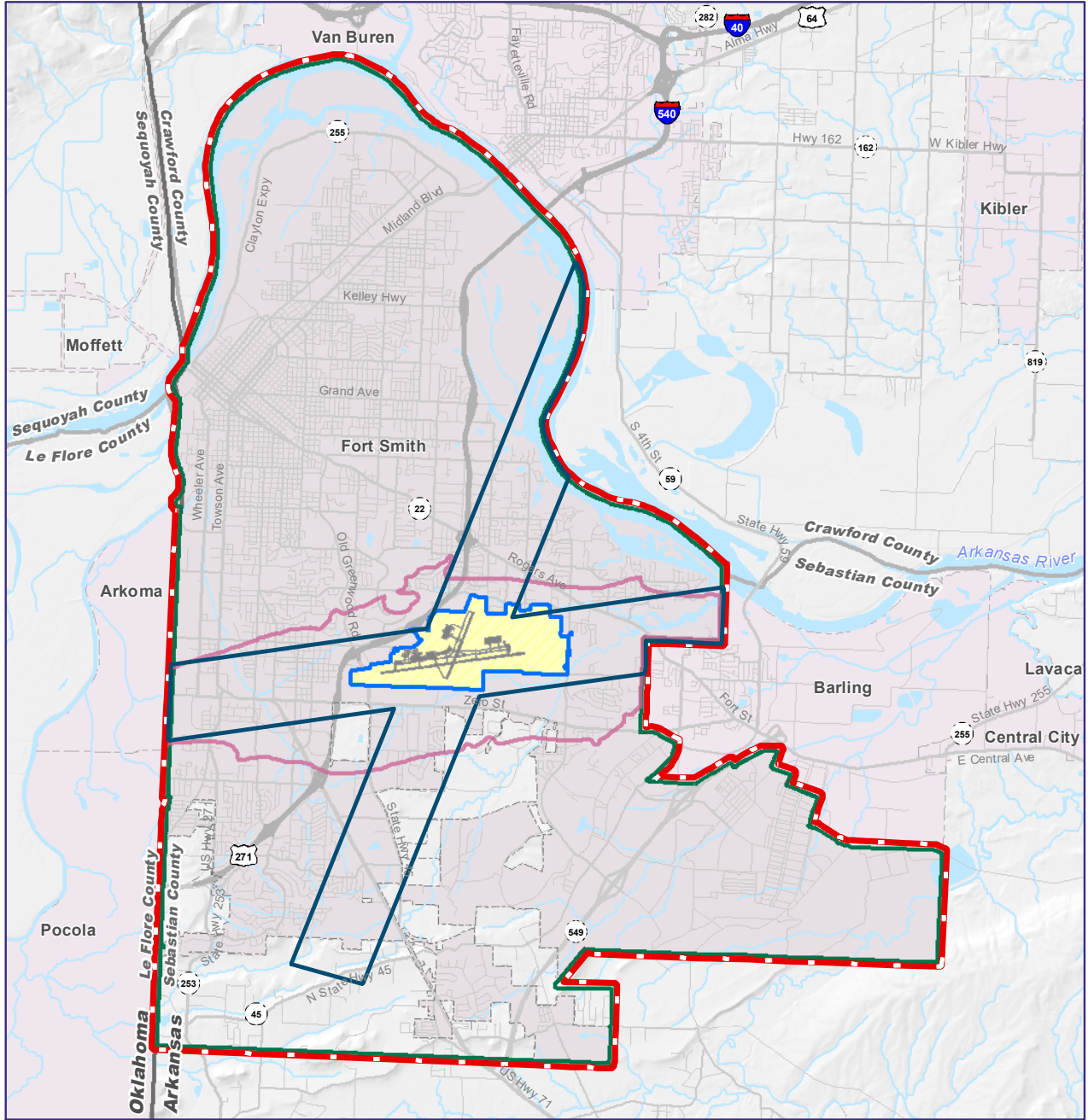
Noise MCA

The Noise MCA addresses the noise impact issues within the 65 dB DNL, 70 dB DNL, 75 dB DNL, and 80 dB DNL noise contours depicted on Figure 3. The Noise MCA includes a 1.5-mile Noise Awareness Area extending from the 65 dB DNL noise contour to raise awareness about potential noise levels.

Security MCA

The Security MCA addresses the development and sale of property physically contiguous to property owned by the Fort Smith Regional Airport. The boundary of the Security MCA is depicted on Figure 4.

City of Fort Smith Military Compatibility Area Overlay District



- | | |
|--|---|
|  Fort Smith City Limits and Extraterritorial Jurisdiction |  Fort Smith Regional Airport |
|  Noise Military Compatibility Area |  City of Fort Smith |
|  Lighting Military Compatibility Area |  City of Fort Smith ETJ Boundary |
| |  Other City |

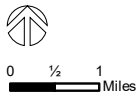
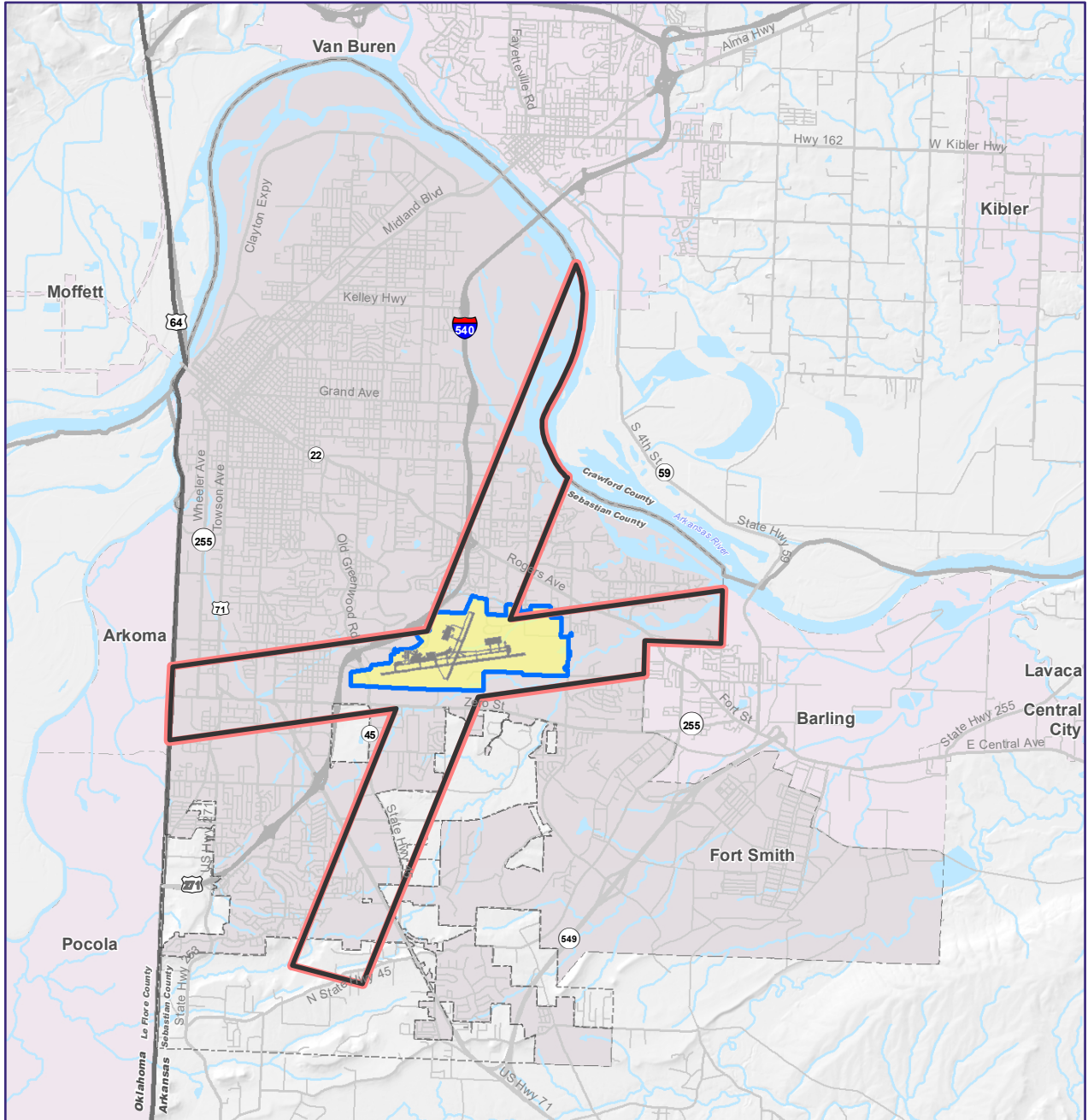


Figure 1
Military Compatibility Area Overlay District

City of Fort Smith Military Compatibility Area Overlay District

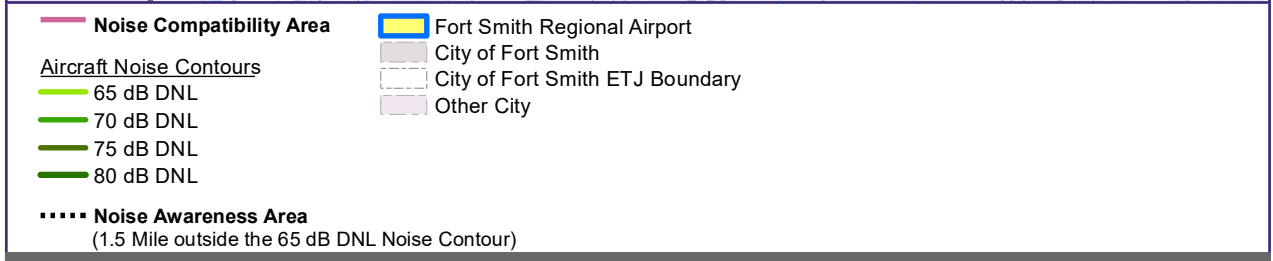
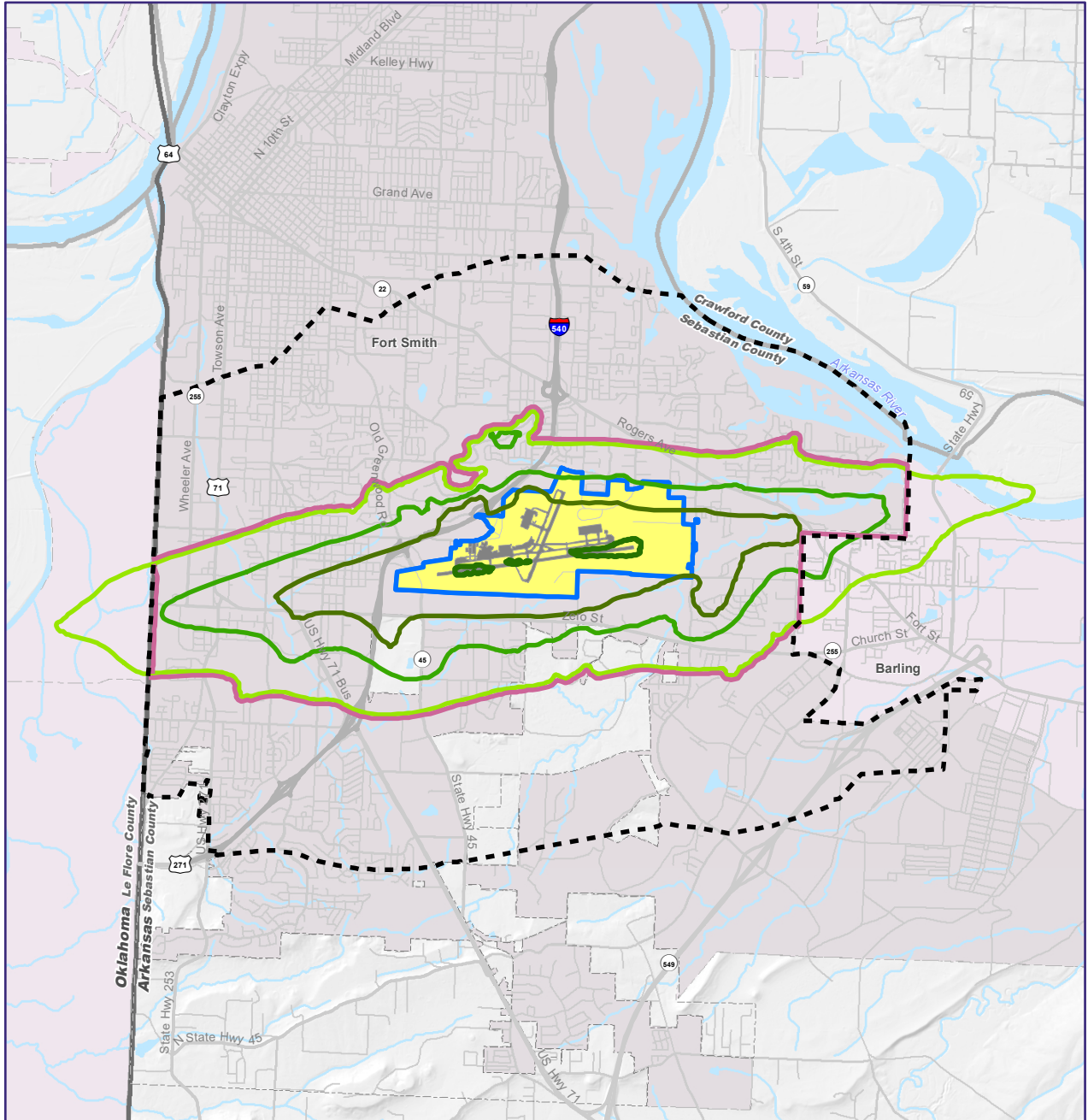


- Lighting Military Compatibility Area
- Fort Smith Regional Airport
- Runway Buffer
- City of Fort Smith
- City of Fort Smith ETJ Boundary
- Other City



Figure 2
Lighting Military Compatibility Area

City of Fort Smith Military Compatibility Area Overlay District

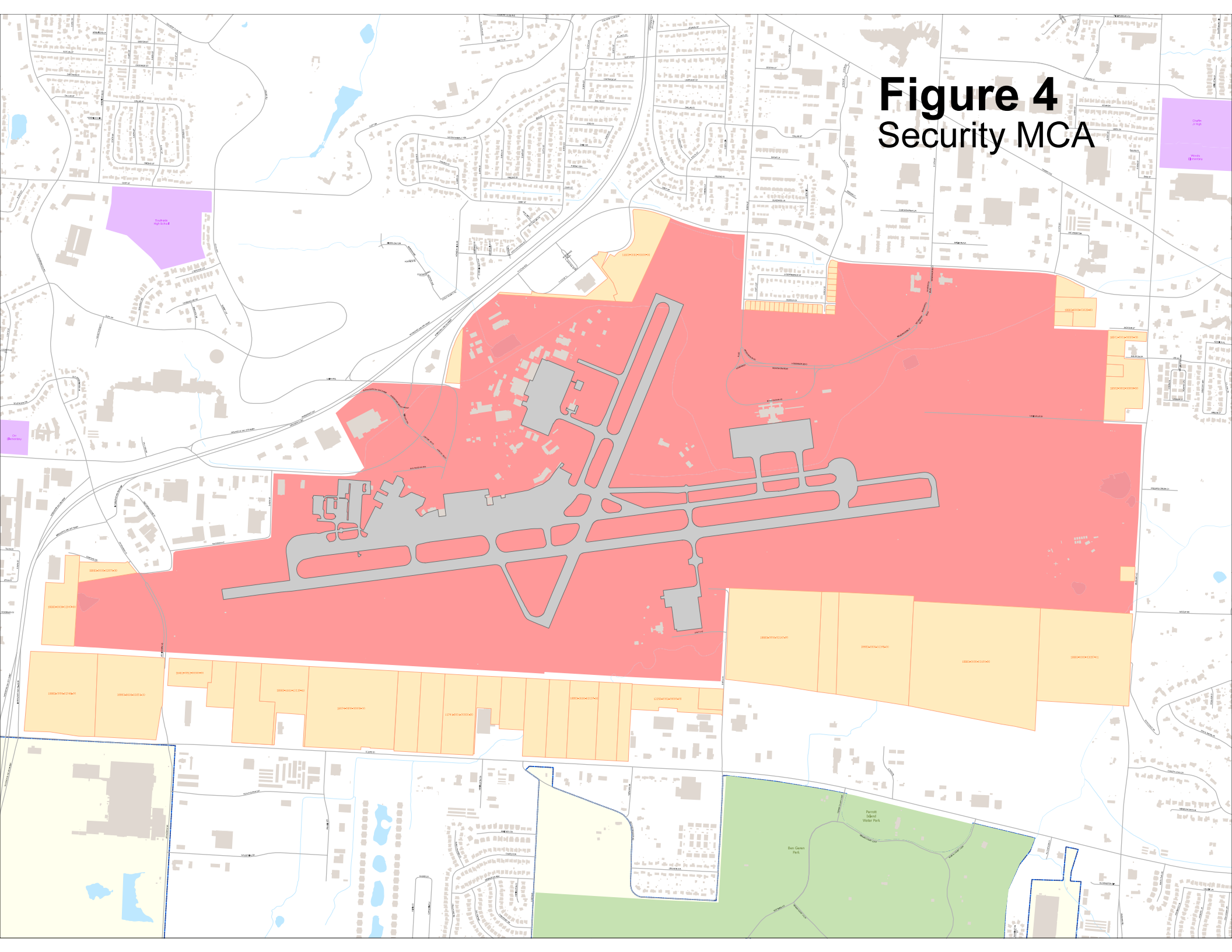




0 1/2 1 Miles

Figure 3
Noise Military Compatibility Area and Noise Awareness Area

Figure 4
Security MCA



City of Fort Smith

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1.07 LIGHTING Military Compatibility Area (Figure 2)

This Subsection 1.07 establishes regulations applicable to lighting within the boundary of the Lighting MCA (Figure 2). The term Runway Buffer as used in Figure 2 is that area more specifically identified in Fort Smith Geographic Information System (GIS) as of the date of adoption of this Section, a print of which is identified as Figure 2, Exhibit 1, three copies of which are on file with the City Clerk.

1. **Purpose.** This Subsection establishes limitations on outdoor lighting to reduce visibility impacts and promote a safe low-level flight environment.
2. **Applicability.** The requirements of this Subsection shall apply to any new development or any addition to existing development which is more than fifty (50) percent of the building square footage.
3. **General Lighting Requirements.**
 - a. All lighting shall be fully shielded and full cutoff, except as provided in b.
 - b. Lighting that is aimed, directed, or focused to cause upward-directed lighting shall be directed only on the subject sign face or feature intended for illumination.
4. **Prohibited Lighting.** The following lighting is prohibited:
 - a. The operation of searchlights for advertising purposes; and,
 - b. The use of laser source light or any similar high-intensity light, such as used for outdoor advertising or entertainment, when projected above the horizontal plane.

1.08 NOISE Military Compatibility Area (Figure 3)

This Subsection 1.08 establishes regulations applicable to sound attenuation building standards for new construction of noise sensitive land uses.

1. **Noise Sensitive Land Uses.** This Subsection is applicable solely to noise sensitive land uses located within the 65 dB DNL or greater noise contours shown on Figure 3. The noise contours designated on Figure 3 are more specifically identified in Fort Smith Geographic Information System (GIS) as of the date of adoption of this Section, a print of which is attached as Figure 3, Exhibit 1, three copies of which are on file with the City Clerk.
2. **Minimum Required Sound Attenuation Measures for New Construction.**
 - a. The minimum Sound Transmission Class (STC) rating of structure components shall be in compliance with the following table:

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| dB DNL | Minimum STC of Exterior Walls and Roof Ceiling | Minimum STC of Windows | Minimum STC of Doors |
|---------------|---|-------------------------------|-----------------------------|
| 65-69 dB | 39 | 25 | 25 |
| 70-74 dB | 44 | 28 | 26 |
| 75-80 dB | 49 | 33 | 28 |

- b. **Alternative Compliance.** As an alternative to the requirements in the table in subsection a. above, structures may be designed and constructed to limit the interior noise level to no greater than 45 dB. Exterior structures, terrain, and permanent plantings may be included as part of an alternative design. The alternative design shall be certified by an acoustical engineer at the expense of the applicant.

1.09 SECURITY Military Compatibility Area (Figure 4)

This Subsection 1.09 establishes regulations applicable to the development and sale of: property owned by the Fort Smith Regional Airport (“Airport Property”); property physically contiguous to Airport Property; and property physically contiguous to a railroad right-of-way that is physically contiguous to Airport Property. The Security MCA designated on Figure 4 is more specifically identified in Fort Smith Geographic Information System (GIS) as of the date of adoption of this Section, a print of which is identified as Figure 4, Exhibit 1, three copies of which are on file with the City Clerk. The following regulations are applicable to property within the Security MCA:

1. **Airport Buffer.** Except as noted below, no construction, including any surface improvements, shall be permitted within thirty (30) feet of the boundary line of Airport Property (“Airport Buffer”); however, such Airport Buffer shall not apply to property that is physically contiguous to Airport Property located on the west side of Old Greenwood Road or the north side of Phoenix Avenue. Drainage channels and detention ponds, at or below grade, are permitted within the Airport Buffer. Delineated surface parking or maneuvering areas are permitted within the area of the Airport Buffer starting at fifteen (15) feet from the boundary line of Airport Property.
2. **Height Buffer.** For any property within the Security MCA whose elevation is equal to or greater than the Established Airfield Elevation of the Fort Smith Regional Airport (469 feet above mean sea level), no structures with a height more than thirty-five (35) feet may be constructed thereon. For any property within the Security MCA whose elevation is less than the Established Airfield Elevation of the Fort Smith Regional Airport, no structures with a height more than thirty-five (35) feet above the Established Airfield Elevation of the Fort Smith Regional Airport may be constructed thereon. The height buffer restriction shall not be applicable to the development of Airport Property for purposes related to civilian aviation or military operations.
3. **Development Approval.** No property within the Security MCA shall be sold or otherwise transferred to or developed by a foreign (non-U.S.) entity or its agent unless such sale, transfer or development has been reviewed and approved by the Fort Smith

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Board of Directors. Such review and approval shall be based on the standards set forth in the UDO and pursuant to police powers of the City of Fort Smith. Any denial of a sale or development of property within the Security MCA by the Fort Smith Board of Directors shall be in writing and shall state the reasons for such denial.

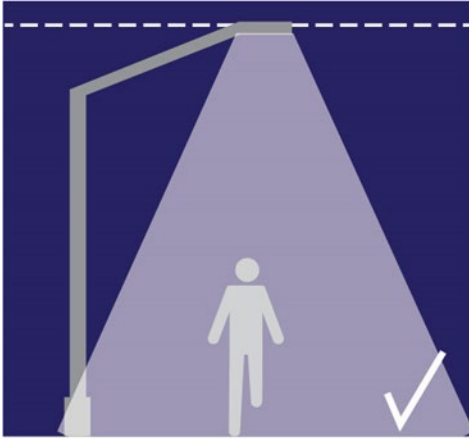
1.10 DEFINITIONS

The following words and phrases applicable to the MCAOD, unless the context clearly indicates a different meaning or construction, shall mean:

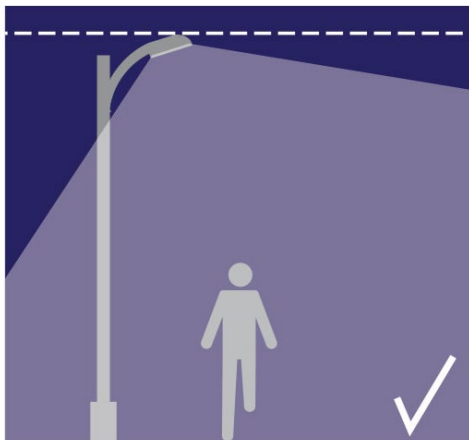
- A. Ambient Noise.** The total noise associated with an existing environment (built or natural) usually comprising sounds from many sources, both near and far.
- B. Attenuation.** Attenuation is a reduction in the level of sound resulting from an object's distance from the noise source or absorption by the surrounding topography, the atmosphere, barriers, construction techniques and materials, and other factors. Sound attenuation in buildings can be achieved using special construction practices that reduce the noise from the exterior structure environment that penetrates the windows, doors, and walls. Sound attenuation measures may be incorporated during the initial construction of new buildings or as renovations for existing buildings.
- C. Decibels (dB).** A unit of measure based on a logarithmic scale.
- D. Day-Night Level (DNL).** The Day-Night Level (DNL), measured in decibels (dB), is an average measure of sound over a 24-hour period, adjusted to account for the increased sensitivity to noise during the night. In simpler terms, it's a way to represent the overall level of sound in an area, taking into consideration that noise at night is often more disturbing than the same level of noise during the day. This measurement helps to ensure that noise levels in different areas of the city, especially near homes and residential areas, are kept at acceptable levels for comfort and health.
- E. Established Airfield Elevation.** The highest point of an airport's usable runway measured in feet above sea level.
- F. Full Cutoff Lighting.** A lighting fixture that projects all of its light in a downward direction, as shown in the image below.

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- G. Fully Shielded Lighting.** A light fixture with a solid barrier (cap) at the top of the fixture where the bulb is located so the lamp is not visible below the cap and no light is visible above the horizontal plane, as shown in the image below.



- H. Military Compatibility Area Overlay District (MCAOD).** The MCAOD is a comprehensive zoning overlay district combining the three (3) MCAs, reflected on the official City of Fort Smith Zoning Map and Figures 1, 2, 3, and 4.
- I. Military Compatibility Area (MCA).** In compatibility planning, the term “Military Compatibility Area” (MCA) is used to formally designate a geographic area where military operations may impact local communities and, conversely, where local activities may affect the military’s ability to conduct its mission. The three (3) MCAs within the city are:
- 1. Lighting MCA.** The Lighting MCA addresses nighttime lighting within the Runway Buffer at the ends of the runways.
 - 2. Noise MCA.** The Noise MCA includes all land within the City of Fort Smith within the 65 dB DNL and higher noise contours produced from air operations at the Fort Smith

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Regional Airport/Ebbing ANGB.

- 3. Security MCA.** The Security MCA establishes regulations applicable to the sale and development of: property owned by the Fort Smith Regional Airport (“Airport Property”); property physically contiguous to Airport Property; and property physically contiguous to a railroad right-of-way that is physically contiguous to Airport Property
- J. Noise.** From a technical perspective, sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. More simply stated, sound is what we hear.
- K. Noise Contour.** Noise contours consist of noise impact lines constructed by connecting points of equal noise level measured in dB DNL and identifying areas on a map that fall within that particular dB DNL noise contour.
- L. Noise Level Reduction (NLR).** Building construction measures that reduce noise to mitigate noise exposure.
- M. Noise Sensitive Land Uses.** Land Uses, including any residential, medical, elderly care facilities, schools, places of public assembly and religious institutions, or other uses substantially similar in character and located within the 65 dB DNL or greater noise contours within the Noise MCA.
- N. Runway.** A defined area of an airport prepared for landing and takeoff of aircraft along its length.
- O. Sound Transmission Class (STC).** A rating to measure how well a wall, floor, ceiling, or other building partition blocks sound. In simple terms, it tells us how much sound can pass through these barriers. A higher STC rating means better sound-blocking performance, reducing the amount of noise that travels between spaces. This rating is important for ensuring privacy and reducing noise disturbances, especially for residential areas and spaces requiring quiet environments like schools and hospitals.

Figure 3, Exhibit 1

